IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

I TE KŌTI MATUA O AOTEAROA
ŌTAUTAHI ROHE

CIV-2024-425-000017
[2024] NZHC 202

UNDER	the Habeas Corpus Act 2001
BETWEEN	KYLE JAMES CRAIG Applicant
AND	THE CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONS Respondent

Hearing:	16 February 2024
Counsel:	Mr Craig in person K A Courteney for Respondent
Judgment:	16 February 2024

ORAL JUDGMENT OF RADICH J

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[1] On 14 February 2024, Mr Craig filed an application for a writ of habeas corpus. Presently, he is serving a 16-month term of imprisonment in Invercargill Prison following a sentencing decision given just under a month ago.

[2] The grounds advanced by Mr Craig relate primarily to the merits of the sentencing decision, the merits of the underlying Family Court decisions and the terms of his imprisonment.

[3] The issue before the Court today is whether Mr Craig's detention is lawful.

[4] I begin by describing the sentences that have been imposed.

[5] In a decision of 19 January 2024, Judge Harvey in the Invercargill District Court explained that Mr Craig was facing five charges. Three of them related to Mr Craig having breached a protection order issued against him through having posted on social media certain Family Court documents from the proceeding to which the protection order related.

[6] Two other charges related to events that occurred when the police approached Mr Craig about the offending to which the protection order charges related. The police found Mr Craig to be in possession of cannabis and Mr Craig refused to give particulars to the police which would have enabled them to unlock his mobile phone.

[7] The Judge sentenced Mr Craig to 16 months' imprisonment on the charges relating to breach of the protection order and, concurrently, to one month's imprisonment on the other charges.

[8] Mr Craig advances a number of arguments in support of his application both in writing and through the oral submissions that he has made this morning:

(a) He is concerned that he is required to share his cell with another inmate, saying that the work he is undertaking for the Family Court case with which he is involved is hindered and that he should not be affected in this way by the Invercargill Prison muster.

(b) He takes issue with a sentence of imprisonment having been imposed for breaching a protection order in circumstances in which he has expressed a view that a final protection order does not exist.

(c) He has asked what the point of prison is; what it is meant to achieve in circumstances such as this, particularly in cases in which a prisoner has autism.

(d) He is concerned about the way in which the protection order has been applied by others.

(e) He is concerned, despite having pleaded guilty to the charges for which he was sentenced, about the underlying basis for the charges relating to the protection order breach.

(f) He has advanced a number of points about what he sees as being defects in Family Court documents relating to the protection order proceeding, referring to the terms of the documents themselves and to District Court rules.

[9] In the oral hearing this morning, Mr Craig has explained that he is not challenging the conviction per se but is concerned primarily with the protection order itself and the way in which it has been referred to in the summary of facts and in the sentencing decision. He has referred to concerns about his arrest relating not specifically to someone named in the protection order. He has said that he has an understanding of his acts and omissions but is concerned about the particular protection order that is or is not in place.

[10] The respondent has submitted that Mr Craig is detained under a valid warrant and that an application for a writ of habeas corpus is not, in terms of s 14(1A) of the Habeas Corpus Act 2001, the appropriate procedure for considering the allegations that Mr Craig is making.

[11] Ms Courteney has clarified matters today in saying that the protection order breached and the subject of the conviction and sentencing was in fact the temporary protection order that is dated 10 February 2022 and which remains in place. She referred to there being in the summary of facts an error in the sense that the summary of facts referred to the protection order having been made final on another date. The point is made that a breach of a protection order, whether temporary, final or otherwise, is a breach of a protection order and that if any issue was to arise in Mr Craig's mind then that would be a matter for an appeal court, but that, in any event, the result would be the same in relation to the breach.

[12] I do observe that in Judge Harvey's sentencing decision, reference is made broadly to a protection order. I observe also the terms of the temporary protection

order and the way in which the breach that is described by the Judge does align with the terms of that temporary protection order.

[13] An application for an order under the Habeas Corpus Act allows a person to challenge the lawfulness of their detention.[1]

[14] There is no question but that Mr Craig is detained. Accordingly, the onus passes to the respondent to establish the lawfulness of the detention. This can be achieved by producing the warrant of commitment for a sentence of imprisonment. That warrant is in evidence. The statutory basis for it, and the warrant itself, are all in order.

[15] That does, on its face, as the respondent submits, provide a complete answer to the application. Under s 14 of the Act, if the defendant fails to establish that the detention is lawful, then the Court must grant a writ of habeas corpus and release the detained person as a matter of right. However, under s 14(2), a Judge is not entitled to call into question a conviction of an offence by a court of competent jurisdiction.

[16] As the Court of Appeal has said, the existence of a warrant of detention has an important effect and it would be necessary, in the face of a warrant, for an applicant for habeas corpus to demonstrate that the warrant did not in fact provide lawful justification for detention in the particular circumstances.[2]

[17] Moreover, the Court of Appeal has emphasised that it would be a rare case where habeas corpus procedures would permit a Court to inquire into challenges on grounds which lie upstream of apparently regular warrants.[3] In other words, the Court in its habeas corpus jurisdiction is not able to reopen underlying processes, such as conviction and sentencing decisions, that led to the creation of a warrant of commitment.

[18] Equally, it is not for the Court in considering an application for habeas corpus to examine conditions of detention. There are other processes that need to be used to

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1 Habeas Corpus Act 2001, s 6.
2 *Bennett v Superintendent, Rimutaka Prison* [2002] 1 NZLR 616 (CA) at [70].
3 *Manuel v Superintendent, Hawkes Bay Regional Prison* [2006] 2 NZLR 63 (CA).

challenge either the lawfulness of a conviction or conditions of detention.[4] I do acknowledge the points that Ms Courteney has made to the effect that Mr Craig may be able, I hope to good effect, to speak with those within the prison about the potential availability of a work space for him.

[19] Unlike an appeal court, there is no basis for me in the face of an application such as this to consider the basis upon which the protection orders were made, to consider arguments about the integrity of documents in the protection order proceedings, to consider the validity of the protection orders themselves, to consider the basis of the convictions for their breach (entered following Mr Craig's guilty plea) or to consider the sentencing decision that then followed.

[20] These are not matters that can fall within the Court's habeas corpus jurisdiction. They can only be challenged through appeals to the courts in which those orders were made, where those decisions were given.

[21] Equally, the concerns the applicant has expressed about his conditions in prison can, as I have said, be pursued, for example, with prison management. As the respondent observes, the Act provides quite clearly in s 14(1A) that the Court may refuse an application for the issue of the writ if the appropriate procedure for considering the allegations made by an applicant is not through a habeas corpus application. That is the case here.

[22] Mr Craig asks what the point of prison is; what it is meant to achieve, particularly for those with autism. I acknowledge the point but I say that this is not the type of question that the Court can address in its habeas corpus jurisdiction, although I do observe that Judge Harvey took Mr Craig's autism into account carefully both when considering whether a sentence of imprisonment was appropriate and then in making an allowance for, as the Judge put it, "the fact that you do struggle with autism".

[23] In this jurisdiction, the Court needs to test the legality of Mr Craig's detention. I have done that. I am satisfied for all of the reasons that I have given that it is lawful.

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4 *Ericson v Department of Corrections* [2014] NZCA 118 at [429].

[24] Accordingly, the application for a writ of habeas corpus is declined.

Radich J

Solicitors:
Raymond Donnelly & Co, Christchurch for Respondent

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

I TE KŌTI MATUA O AOTEAROA
ŌTAUTAHI ROHE

CIV-2024-425-000017
[2024] NZHC 356

UNDER	the Habeas Corpus Act 2001
BETWEEN	KYLE JAMES CRAIG Applicant
AND	THE CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONS Respondent

Hearing:	On the papers
Counsel:	Mr Craig in person K A Courteney for Respondent
Judgment:	28 February 2024

JUDGMENT OF RADICH J
(Costs)

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[1] On 16 February 2024, I declined Mr Craig's application for a writ of habeas corpus on the basis that his detention is lawful.

[2] In an application of 19 February 2024, Mr Craig has applied for costs under s 14(4) of the Habeas Corpus Act 2001, which is in the following terms:

> All matters relating to the costs of and incidental to an application are in the discretion of the court and the court may refuse costs to a successful party or order a successful party to pay costs to an unsuccessful party.

[3] The respondent opposes the application on the grounds that the application was not successful, that the costs that Mr Craig has incurred are not apparent and that, as a self-represented person, he would not ordinarily be entitled to costs.

[4] It is certainly a principle that costs should rarely be awarded against an unsuccessful applicant for habeas corpus,[1] but it will be rare for costs to be awarded in favour of an unsuccessful applicant. Modest costs awards may be made in favour of an applicant who has not been successful but who has been released from custody for other reasons, such as a quashed conviction or a release from compulsory treatment.[2] But the circumstances in this case are not such that an award of costs in favour of Mr Craig could be made.

[5] Moreover, it is a primary costs rule in New Zealand that a lay litigant is not entitled to recover costs.[3]

[6] Accordingly, Mr Craig's application must be dismissed. Costs will lie where they fall.

Radich J

Solicitors:
Raymond Donnelly & Co, Christchurch for Respondent

1 *Manuel v Superintendent, Hawkes Bay Regional Prison* [2006] 2 NZLR 63, (2005) 22 CRNZ 331.
2 *Palmer v Superintendent of Auckland Prison* (2006) 18 PRNZ 261 (HC), [2007] NZAR 62 and *Chu v Director of Area Mental Health Services, Wellington* (2006) 18 PRNZ 266 (HC), [2007] NZAR 415.
3 *McGuire v Secretary for Justice* [2018] NZSC 116, [2019] 1 NZLR 335 at [88].

Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

NOTICE OF FILING OF APPLICATION FOR LEAVE TO APPEAL AGAINST DECISION IN CIVIL PROCEEDINGS

SC 13/2024
CIV-2024-425-000017

Kyle James Craig v The Chief Executive of the Department of Corrections

On Wednesday 28 February 2024, Kyle James Craig filed an application for leave to appeal against the judgment of the High Court delivered on Friday 16 February 2024 – [2024] NZHC 202.

Nekita Gulati
Deputy Registrar
Supreme Court of New Zealand

Copies to: Applicant
Respondent
High Court Registrar at Christchurch
High Court Judge - Radich J

In The Supreme Court of New Zealand
I Te Kōti Mana Nui o Aotearoa

Under: The Habeas Corpus Act 2001
High Court Rules 2016
Family Court Rules 2002

Between: Kyle James Craig of Invercargill
c/o Invercargill Prison, Po Box 827

Appellant

And

The Chief Executive of The
Department of Corrections
20 Aitken street, Wellington

Respondent

Notice of Application for leave to bring civil appeal

Kyle James Craig
of Invercargill
c/o Po Box 827
Invercargill

In The Supreme Court of New Zealand

I Te Kōti Mana Nui o Aotearoa

Under: The Habeas Corpus Act 2001
The Senior Courts Act 2016
The Supreme Court Rules 2004
The High Court Rules 2016
The District Court Rules 2014
The Family Court Rules 2002

Between: Kyle James Craig
of Invercargill
c/o Po Box 827, Invercargill
Applicant, Appellant, Authour

AND

The Chief Executive of
The Department of Corrections
20 Aitken street
Thorndale, Wellington
Respondent

Notice of Appeal to The Supreme Court

Dated this: 26th day of Feburary 2024

Kyle James Craig
c/o Po Box 827
Invercargill

Narrative - ab initium

0. On the 10th day of Feburary 2022 in The Invercargill Family Court an application and accompanying affadavit for a Without Notice protection order and parenting order made by Ms [redacted] naming I, Kyle James Craig as The Respondent, Was accepted and laid, as a Temporary Order, by Judge S J Fleming.

0,a. In January 2023 I was sentenced to a term of 12 months imprisonment for my first breach of that order, by Judge Brandst-Giesen

0,b. On the 27th of October 2023 I was again arrested and charged with contravening a protection order and remanded in custody.

0,c. On the 19th day of Janurary in the Invercargill District Court I was sentenced to 16 months imprisonment by Judge D G Harvey

0,d. On the 10th day of Feburary 2024 I self-Presented a habeas corpus application to The Invercargill High Court via the Prison Mail system in question of the lawfulness of my detainment.

0,e. On the 16th day of Feburary 2024 in The High Court my application Was, upon submissions from myself and The Respondent was declined by Judge Radich (annexure A)

0,f. I here apply for leave to appeal this High Court decision, self presented, directly to The Supreme Court, With respect, citing the following:

Following the Matter of: CIV-2024-425-000017
[2024] NZHC 202

To The Registrar of The Supreme Court

1. I, Kyle James Craig, of Invercargill, The Applicant in the proceeding identified above, give here, with respect in writing, notice that I apply for the leave of The Supreme Court to appeal to The Court against The High Courts 16th Feburary 2024 decision not to grant an issue of habeas corpus in my favour.

2. It is my submission in appeal against the judgment in the above matter that The Judge erred in his enquiry into the matters of fact and law, to justify my detention, as required under Section 14,2 of The Habeas Corpus Act 2001 and didn't prescribe the issue of a writ of habeas corpus in my favour as The Judge, under Section 14,1, didn't inspect The Order pertaining to The Warrant that The Respondent relied on, in The High Court.

3. It was essentially my application under habeas corpus that, at it's soonest practicality, The Court must

   3a. Bring forth the body
   3b. Bring forth the Warrant
   3c. Bring forth the Order

   to inspect and therefore determine the merits claimed to justify or uphold the legality of my detainment.

4. It is in my application for leave to appeal to The Supreme Court that sufficient weight was not given to points I made leading up to The Judgment deduced and I self-present the following grounds in proposal of my appeal being heard in The Supreme Court.

Grounds I rely on in Appeal

5. I imply that the grounds of my appeal are jurisdictional and procedual in that both The Judge and The Respondent relied too heavily on Section 14.1A and 14.2 of The Habeas Corpus Act 2001 and didn't give sufficient test and regard to The Sections 14.1 principle to establish that my detention is lawful on the basis's that I brought for review.

6. I appeal that The Respondents Warrant of Commitment (annexure B) is not all in order as paragraph 14 of Judge Radich's decision states (annexure A).

7. The Respondents detaining Warrant of Commitment pertains to an Order and it is my ground for appeal that the Contravened Order referred to in 'the sentencing' or here for it's purposes, relied on to justify the detainment warrant, must have also been produced or established, to satisfy Sections 14.1 and 14.2 of The Habeas Corpus Act, but that it wasn't produced by The Respondent for inspection nor for determination. I appeal The Judge excluding this evidence.

8. It is my claim that The Respondent wouldn't or couldn't produce the (justifying) order because

   8.a. it dosn't exist, or

   8.b. The order relied on can't and must not be read or used in proceedings in a Court

   So therefore should not be being used in it's capacity within a commitment to prison warrant. This is Error of law.

9. The issue for determination found by The High Court that I here apply for leave to argue in appeal is in

Paragraph 19 of The High Court Judgment, wether in Scope of the jurisdiction of an habeas corpus application, or not, a procedual test is appropriate to consider an allegation such as mine where a conviction, so thus therefore sentence, is entered into The Warrant of detainment central to consideration, but that an alledged integrity of the validility of an Order, or not, can be inspected in light of 14, 1A.b and 14, 2.a of The Habeas Corpus Act, to determine if efficient establishment of lawful grounds to detain, or error, is present or not.

10. My application to The High Court claimed: no legal order means no legal crime. Meaning, despite pleading guilty to actions described in Court in their leymen terms, breach of an Order means the Order must be just as Central to proceedings, Central to Sentencing and, the issue for determination in appeal to The Supreme Court:

    10, a. Central to The Respondents Warrant (annexure B)
    10, b. Upstream of The Warrant
    10, c. Or, an underlying process of The Warrant

11. Paragraph 17 of The High Court Judgment (annexure A) begs where I emphasise in application for leave to appeal, that The Supreme Court is the required Court to inquire into the challenges of The Warrant and the two sets of the same rules that I rely on upon my grounds of appeal. Error of Law and/or misdiscretion by The Judge.

12. The contravened Protection Order which is relied on to establish The Respondents Warrant of Commitment for imprisonment upon sentence was central to The Invercargill District Court proceedings where on the

19th day of Janurary 2024 I, Kyle James Craig Was sentenced to 16 months imprisonment for breach of a final Protection Order made 1 July 2023.

13. It was my application in habeas corpus that the 1 July 2023 protection Order does not exist so therefore the breach of that order, pertaining to The Warrant at and after sentencing must not exist, as, as a matter of fact and law, inspection can't produce it.

14. It is my appeal of the 16 Feburary 2024 High Court Judgment (annexure A) at paragraph 12, that the Tempory Protection Order observed by The High Court Judge and confirmed in Paragraph 11 by Counsel for The Respondent can be viewed and read by The High Court as invalid as well.

15. Without a substanciated, coded and clearly defined offence Stated upon and so thus furnishing The Warrant in question, the here in reference to offence or legislation cant be examined by the reader and this is the basis I argue, any such Order in breach, must also be establishable by the reader and so is therefore in scope of a habeas corpus jurisdiction Worthy of examination into the Warrants validility by a higher Court or inspectorate.

16. Crime, or conviction, upon an order, can be relied upon - because That is the integrity of our great Justice system

16,a. But Not in this rare case

The Order breached and sentenced upon dosn't legally exist and it is in the interest of justice and

the integrity of our legislative system that I imply that my application for leave to appeal to The Supreme Court be considered, in my favour, because we must establish that What The Judge is saying is true and correct.

17. I appeal the statutory basis The Judge found, in paragraph 14 of The High Court judgment, where case (law)

17.a. in *Manuel v Hawkes Bay Regional Prison*, The Court of Appeal observed and it states

> [49] ... In cases involving imprisonment or other statutory confinements, this will involve the production of a relevant warrant or warrants or other documents which provide the basis for the detention ...

Offered by The Respondent in The Respondent Memorandum dated 15 Feburary and acknowledged in paragraph 17 of The High Court Judgment, as I appeal this case involves a requirement to produce 'other documents' which provide the basis for the detainment - the Order contravened.

18. However, I have apprehended that the 10th of Feburary 2022 Temporary Protection Order, under Family Court Rule 168 must not be read or used in proceedings in a Court, including The District Court, at sentencing for instance, under The District Court Rules, thus prompted and stated in my Habeas Corpus Application to The High Court, 10 Feburary 2024.

19. It is my application for leave to appeal to The Supreme Court that The High Court did not give enough test or regard to this fact in determining Section 14.1 of The Habeas Corpus Act in my application.

Affadavit Rules pertaining to the validility of an Order

20. The Family Court Rules and The High Court rules that I relied on to invalidate The Respondents Warrant of Commitment in Habes Corpus Application and that I here rely on in appeal remain as follows:

20,a. In The Family Court Rules 2002 Legislation it is stated in Rule 21,e Applicants for a Protection Order must file, to make their Application, an affadavit.

20,b. For clarity, Rule 22,d states that a Family Violence Act 2018 and Without Notice Application must along side a Protection Order Application include a Rule 308 Certificate of Lawyer, in confirmation under Rule 308,4.a,b requirements of The Act have been met

20,c. Once accepted and filed to certify application, Rule 156,c states an affadavit must remain on the file unless The Court gives leave for the affadavit to be removed.

20,d. Rule 158,1,c,i states every affadavit must be signed by The deponent. Rule 158,3 states the date on which and place at which an affadavit is sworn must be stated in the jurat and the jurat must be signed by the person, authourised, before whom the affadavit is sworn. Rule 158,4 States that if the affadavit is 2 or more pages long the Deponent and person whom the affadavit is sworn before must initial each page preceeding the page upon which the jurat appears.

It is my Claim in habeas corpus due to imprisonment under such order that the 10 Feburary 2022 Temporary Protection Order Application and Affadavits do not bare these validating marks to be legible in line with

The Family Court Rules namely Rule 168 deeming these must not be used in proceedings in a Court, namely The District court at Sentencing, as applied upon my apprehension and for the purpose of this appeal, as stated in paragraph 8, b, d, e. f where in alibi under paragraph 11, I here appeal citing paragraph 14, 16, 23 and 24 of The High Court Judgment for The Supreme Court in it's appeal jurisdiction to consider:

20, e. Rule 159, 1, c States an exhibit that accompanies an affadavit must be identified by a note made on it and signed before whom the affadavit is sworn, to be valid, and the 10 Feburary 2022 Protection order Application lacks this.

20, f. Rule 168 states that unless an affadavit is sworn before a person who is authourised, it must not be read or used in proceedings in a court

and aside from my plea of guilt, it was my application in habeas corpus that the Application, Currently deemed Temporary in effect by The Family court, must not have been used by The District Court in Sentencing, and in my appeal, must not have been used by The High Court in it's observance in paragraph 12 of The High Court Decision.

20, g. Rule 17, 1, a of The Family Court Rules 2002 defines the failure of compliance I cite as an irregularity and in 17, 1, b does not nullify, nor in Rule 17, 3 The Judge must not set the proceedings aside entirely, but as I point out and here rely on, in my favour, upon it's apprehension under habeas corpus in the unjust severity of imprisonment that Rule 16 states that Judges may give directions to regulate The Courts business

and that under Rule 16,1 The Judge presiding over The Court may at any time give any directions The Judge thinks propor for regulating The Courts business and in Rule 16,2 that Rule is Subject to Rule 13,1 which states, in my favour, that a practice that is not consistent with these rules or a Family Law Act must not be followed in the Court, which per se, I as a person in doubt made What could be considered interloctuary a habeas corpus application to The Correct Court to do so, to the best of my means and ability, under the duress of imprisonment and in haste which didnt describe these points as I point out here, in appeal, for The Judge not making a decision and giving directions, in my favour, as implied in Family Court Rule 14, 2, b.

20,h. For all intents and purpose in habeas corpus Family Court Protection Order Rule 168 states that unless an affadavit is sworn before a person whom is authourised under Section 104 of The District Court Act 2016 to take it, it must not be read or used in proceedings in a Court and I appeal that this is the case here..

20,i. For all intents and purposes of my habeas corpus application to The High Court and here my application for leave to appeal to The Supreme Court The High Court Rules 2016 also recognize the rules I cite and present in my favour namely High Court Rule.

20,i.a. 9.72 1,2,3

20, i, b. 9.73 2, a, b. 3. 5.

20, i, c. 9.76 1. 3. 4, a, b.

20, i, d. 9.77 1 a, b, c. 3.

20, i, e. 9.79

20, i, f. and 9.95, 2. where it is my claim in support of a habeas corpus writ issue in my favour that the 10 Feburary 2022 protection order pertaining to The Respondents Warrant in fact in it's Application bares only the Mark of The Applicant Ms Webb's own lawyer for whom in this purpose lacks the necessary independence for the application affadavit to be read or used by any court be that The District court at sentencing or the subject to appeal here High Court at paragraph 12.

Determination of Applications

21. Section 14 of The Habeas Corpus Act 2001 in Section 14.1 States that if The Respondent failed to establish that the detention of my detainment is lawful, then The High Court must grant as a matter of right a writ of habeas corpus ordering my release from detention.

22. My conviction isn't in question, the Warrant pertaining to my mode of sentence is in question and The Respondents own case law relied on, in memorandum and paragraph 17 of The High Court decision, acknowledged the involvment of the production of other documents which provide the basis for detainment, which I appeal is the case here as With no order, there is no, other, crime apparrant and so remains the issue, is the Warrant justified or lawful or not.

Why Leave to Hear and Determine my Appeal Should be granted by The Supreme Court

28. The purposes of The Habeas Corpus Act 2001, and it's jurisdictions, are stated in Section 5,a to reaffirm the historic and constitutional purposes of the writ of habeas corpus as a vital means of safeguarding individual liberty.

29. I in essence of the safe guarding of individual liberty have been aiming for sometime to defend myself against the weaponization of an unnecessary frivilous and vexatious Protection Order being used by another individual to wage a state and Crown sponsored assault on me by way of Slavery and imprisonment, in What I have called in claim to both the current Govenor-General and Minister of Police and The Minister of Children Corruption Within The Waihopai Invercargill judiciary and child protection judiciary via misuse and abuse of both the public protection mandate and the public service mandate.

29, a. My case requires judicial witness, at its highest level.

30. Section 5,c of The Habeas Corpus Act provides certain unsuccessful parties in habeas corpus proceedings with a right of appeal to The Court of Appeal.

30,a. I here submit in application for leave that The Supreme Court, as The Court of All Courts, is the right Court that must hear my Appeal of The High Court Judgment due to complexities in the issues for determination, The Supreme Courts appropriate jurisdictions and the fact that Appeal Court case law has been cited.

31. Section 14, A of The Habeas Corpus Act 2001 confirms, to avoid doubt that an application for a writ of habeas corpus is a civil proceeding and under section 16, 1, A, a allows with the leave of The Supreme Court, a party to proceeding to appeal to The Supreme Court against a determination refusing an application for a writ of habeas corpus.

32. I, as The Applicant as well as the Applying Appellant submit that The Supreme Court is the appropriate Court and I respectfully request leave be granted as The Supreme Court is the appropriate jurisdiction to settle What is my

32, a. Family Court
32, b. District Court
32, c.. and High Court

issue to be determined.

33. The provisions and rules that I cite in the lower Courts are recognized by the 2016 High Court Rules Legislation aswell as The Senior Courts Act 2016 where I cite in favour of my leave for appeal to be heard in The Supreme Court being granted that the issues for determination can be dealt with within the jurisdictions or powers of The Supreme Court, in appeal of reference to paragraphs 18, 19, 20 and 23 of The 16 Feburary 2024 High Court Judgment.

34. Furthermore, I submit that it is in my favour and respects that under Section 69 of The Senior Courts Act that Leave to appeal to The Supreme Court can be heard and determined as a party to a civil proceeding in The High Court and that the thresholds set out in Section 69 a, b, c of The Senior Courts Act 2016 are met.

35. The High Court in paragraph 20 found issue with the Jurisdiction in which The High Court could act in face of a Writ as pointed out in Section 18,4 of The Senior Courts Act 2016 and coupled with neither I, The Applicant nor The Respondent giving Notice in accordance with The High Court Rules for certain civil proceedings to be tried by a High Court Judge with a Jury, I endorse, as explained in Section 16,1 and the false imprisonment/malicious prossecution requiring prolonged examination of documents as laid out in Section 16,4,b of The Senior Courts Act, that it is in my favour of Leave being granted here that The Supreme Court is the jurisdiction to hear and determine my over-all appeal or appeals as opposed to back tracking over the single Courts to wynd up back here in the haste required of a habeas corpus application such as mine.

36. In light of essentially three sets of appeals in three different Courts, the General Powers outlined in Section 79,1,b of The Senior Courts Act, on appeal of a proceeding that has been heard in a New Zealand Court The Supreme Court, even if the proceeding has not been heard in The Court of Appeal, has the powers of The Court of Appeal would have if hearing the appeal and equally, in my favour, Section 86 of The Senior Courts Act decrees that a Judgment or Order of The Supreme Court may be enforced by The High Court, (in terms I argue - of The District Court and Family Court) as if it had been given or made by The High Court.

37. So I, The Appellant in Application for leave to appeal to The Supreme Court submit that the exceptional circumstances required that justify bringing my proposed appeal directly to The Supreme Court, as opposed to the route via The Court of Appeal, are met in this, my rare case, as required and to the satisfaction of Section 75,b of The Senior Courts Act 2016

39. We, as a people must be able to rely on Wise counsel in the face of proceedings and if not then we must be able to rely on The Registrar, The Judge or then Court Processes themselves.

39. Ms [redacted] of Invercargill had a lawyer in her application for a protection order, frivilous and vexatious or not She also had a certificate of Lawyer accompanying her application, as well as I, Kyle James Craig of Invercargill had a Lawyer for my proceedings of breach and sentence in The District Court.

40. Section 74 of The Senior Courts Act 2016 threshold for the criterion to grant leave to appeal is, herefore I submit, met, as I in respect imply that under 74,1 it is necessary in the interests of justice for The Supreme Court to hear and determine the appeal I propose in habeas corpus, directly from The High Court as

    40,a. 74,2,a. the matter is in habeas corpus, valid and involves a matter of general importance

    40,b. 74,2,b. a substantial miscarriage of justice may have occurred or may occur unless the appeal is heard

41. Section 73 of The Senior Courts Act states that Appeals to The Supreme Court may be heard Only With The Courts Leave and I, Kyle James Craig of Invercargill Submit With upmost respect to The Court submit that this document here is my self-presented Application for Leave to Appeal

42. Section 78 of The Supreme Court States that Appeals to The Supreme Court proceed by Way of Rehearing.

The Judgment I seek from The Supreme Court

43. I appeal the 16 Feburary 2024 High Court Judgment not to issue a writ of habeas corpus in my favour and for not justifying my periods/terms of imprisonment

44. The Judgments I seek from The Supreme Court are:

44.a. The issue of a writ of habeas corpus

44.b. The discharge of the 10 Feburary 2022 Protection Order Application

Dated at Invercargill this 26th day of Feburary 2024

Kyle James Craig
of Invercargill Prison
Appellant

To The Registrar of The Supreme Court

And To The Respondent

In The Supreme Court of New Zealand
I Te Kōti Mana Nui o Aotearoa

In The Matter of: SC 13/2024

Under: The Habeas Corpus Act 2001

Between: Kyle James Craig
of Invercargill
c/o Po Box 827
Invercargill
Applicant

AND

The Chief Executive
Department of Corrections
20 Aitken Street
Wellington
Respondent

Interim Order Application

Dated: 15 March 2024

Kyle James Craig
c/o Po Box 827
Invercargill

To The Registrar of The Supreme Court

1. I, Kyle James Craig, of Invercargill, The Applicant In these proceedings apply here in writing for an interim order for release from detention under Section 11,1 and 11,4 of The Habeas Corpus Act 2001 for the duration of pending final determination of my application, under any conditions The Court deems fit.

2. I cite the strength of my case and the miscarrage of justice and wrongful imprisonment likely to occur.

3. I cite that again, on the 14th of March 2024 I have been approached by prison staff in a way in which I am at risk of being adversely affected by the high prison muster and the fact that many/too many inmates are subject to misconduct cell confinement etc and The Department needs cell space.

4. I here imply the strength of my case against The Crown is High and that it is not my fault The Crown can't accommodate to it's affairs or settle the mismanagment of cases or the delays or shortcomings of The Invercargill Law Courts.

5. I rely here on the contents of my Application for leave to Appeal To The Supreme Court aswell as my accompany of documents in favour of this Section 11 interim Order request/application being granted pending determination.

Dated at Invercargill this 15th day of March 2024

Kyle James Craig

To: The Registrar of The Supreme Court

In The Supreme Court of New Zealand
I Te Kōti Mana Nui o Aotearoa

In The Matter SC 13/2024

Under: The Habeas Corpus Act
Senior Courts Act

Between: Kyle James Craig
Of Invercargill
c/o Po Box 827, Invercargill
Applicant/Appellant

AND

The Chief Executive
Department of Corrections
20 Aitken Street
Wellington
Respondent

Leave to Appeal to The Supreme Court Application Submissions

Dated: 15th March 2024

Kyle James Craig
c/o Po Box 827
Invercargill

May it please The Court

1. I, Kyle James Craig, of Invercargill, the applying Appellant in these proceedings acknowledge reciept of The Respondents submissions dated Friday the 8th of March 2024, that being 5 working days ago, and that The Registrar decreed upon the reciept that day that no further submissions can be filed without The Leave of The Court.

2. Under Section 76,1. 76,3 76,4 of The Senior Courts Act 2016, I here Apply for leave to submit in this document a brief response, outline of oral argument on appeal - if Leave to Appeal is granted - and to annex alongside this document an accompanying Interim Order Application.

3. In respects to Section 76.1.a of The Senior Courts Act 2016 additional relevant written material I wish to Submit to The Court for consideration in determination is:

   3a. In a Habeas Corpus Application the responsibility to bring forth any and/or all documents claimed to lawfully justify detainment, is in this case, the responsibility of The Respondent to produce., Otherwise the writ must issue in my favor.

   3b. It is my submission in Application as well as Appeal that this is inclusive of

      3,b,i. The Protection Order Application
      3,b,ii. The Protection Order
      3,b,iii. The Breach of Order Sentencing notes/minute
      3,b,iv. The Warrant of Commitment for Sentence of Imprisonment

   as a complete answer to my application of

Court to be heard in my argue of appeal in my favour, however, in anticipation of Senior Court Act Section 76, 2, b I with upmost respect wish to cite under 76,1,b the following:

4,a. In light of The Respondent Submissions dated the 7th of March I wish to point out that I in appeal have removed my grounds citing detention issues or matters for internal managment within the prison, and that in Appeal to The Supreme Court I rely on the contents of my Leave to Appeal Application documents.

4,a,i. namely that The Habeas Corpus Application is, in my view, the correct procedure for considering my claims and applications.

4,b. I imply that in The Respondents conclusion at Paragraphs 28 and 29, in refusal to acknowledge the existence of underlying documents or basis's to justify lawful detention, alligns with Section 43,1,b of The Senior Courts Act 2016 and The Respondent is aiming to dismiss my plea in it's entirety, in offence to Section 43 of The Senior Courts Act 2016.

5. In conclusion, I cite my reliance on Sections 76,3 and 76,4 of The Senior Courts Act 2016, in this, my Submissions and all due respects. Thank-You.

Dated at Invercargill this 15th day of March 2024

Kyle James Craig
of Invercargill

To: The Registrar of The Supreme Court
and To: The Respondent

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 13/2024
[2024] NZSC 23

BETWEEN	KYLE JAMES CRAIG Applicant
AND	CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONS Respondent

Court:	Glazebrook, Ellen France and Kós JJ
Counsel:	Applicant in person W S Taffs for Respondent
Judgment:	19 March 2024

JUDGMENT OF THE COURT

The application for leave to appeal and the application for an interim order are dismissed.

REASONS

[1] On 16 February 2024, the High Court declined to issue a writ of habeas corpus with regard to Mr Craig.[1]

[2] Mr Craig is currently serving a 16-month term of imprisonment imposed by the District Court on 19 January 2024 on three charges related to the breach of a protection order and two charges related to the possession of cannabis and refusal to give particulars to enable the unlocking of his mobile phone. He pleaded guilty to those charges.

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[1] *Craig v Chief Executive of the Department of Corrections* [2024] NZHC 202 (Radich J).

[3] Mr Craig's arguments before the High Court related to the merits of the sentencing decision, the underlying merit of the protection order decisions and the terms and conditions of his imprisonment.[2]

[4] The High Court held that:

> [14] There is no question but that Mr Craig is detained. Accordingly, the onus passes to the respondent to establish the lawfulness of the detention. This can be achieved by producing the warrant of commitment for a sentence of imprisonment. That warrant is in evidence. The statutory basis for it, and the warrant itself, are all in order.
>
> [15] That does, on its face, as the respondent submits, provide a complete answer to the application. Under s 14 of the [Habeas Corpus] Act [2001], if the defendant fails to establish that the detention is lawful, then the Court must grant a writ of habeas corpus and release the detained person as a matter of right. However, under s 14(2), a Judge is not entitled to call into question a conviction of an offence by a court of competent jurisdiction.

[5] The High Court further held that the matters Mr Craig raised should be pursued through other processes and not a habeas corpus application.[3]

Grounds for application

[6] Mr Craig in his application in essence replicates the arguments made in the High Court.

Our assessment

[7] Mr Craig, in order to succeed in his application for leave to appeal, would have to satisfy the Court that it is necessary in the interests of justice to hear and determine his appeal, by reference to the leave criteria in s 74(2) of the Senior Courts Act 2016.[4] Given that he seeks leave to appeal directly to the Court from the High Court decision he also needs to show that there are exceptional circumstances.[5]

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2 At [2].
3 At [21], pointing to s 14(1A) of the Habeas Corpus Act 2001.
4 Senior Courts Act 2016, s 74(1).
5 Section 75.

[8] In this case nothing raised by Mr Craig suggests that the High Court decision may be erroneous. There is therefore no risk of a possible miscarriage of justice.[6] The issues raised relate to Mr Craig's particular circumstances and raise no issues of general or public importance.[7] The leave criteria are therefore not met. In any event, nothing raised points to any exceptional circumstances that would justify an appeal directly to this Court.

[9] On 15 March 2024 Mr Craig applied for leave to file response submissions. We have considered his application but nothing he wishes to raise would affect our conclusions. We would therefore not be assisted by any further submissions. Mr Craig also seeks, under s 11 of the Habeas Corpus Act 2001, an interim order for release from detention pending final determination of his application. Given his application for leave to appeal has been dismissed, this application must also be dismissed.

Result

[10] The application for leave to appeal and the application for an interim order are dismissed.

Solicitors:
Raymond Donnelly & Co, Christchurch for Respondent

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6 Section 74(2)(b).
7 Section 74(2)(a).

In The Court of Appeal of New Zealand
I te Kōti Pīra o Aotearoa

Under: The Habeas Corpus Act 2001
The Senior Courts Act 2016
The Court of Appeal Civil Rules

Between: Kyle James Craig
Of Invercargill
c/o Po Box 827, Invercargill
Appellant

AND

The Chief Executive of
The Department of Corrections
20 Aitken Street
Wellington
Respondent

Notice of Application for Leave to bring Civil Appeal - Interlocutory Application for an extension of time

dated: 27 March 2024

Kyle James Craig
of Invercargill
c/o Po Box 827, Invercargill

Following The Matter of: CIV-2024-425-000017
[2024] NZHC 202

To The Registrar of The Court of Appeal

1. I, Kyle James Craig, of Invercargill, The Applicant in the proceeding identified above, give here, with respect in writing, notice that I apply for Leave to invoke my right of Appeal to The Court of Appeal (conferred) under Section 5,c of The Habeas Corpus Act 2001, to Appeal to The Court of Appeal against The High Courts 16th Feburary 2024 decision not to grant an issue of a writ of habeas corpus in my favour.

2. I, The Appellant, make this Application for leave under Sections 56,1,a and 56,4,a of The Senior Courts Act 2016 in line with Rule 16A of The Court of Appeal (civil) Rules 2005 with the appropriate alibi that;

   2a, following The High Courts 16 Feburary 2024 judgment to decline my Application 1 on the filing date of 25th Feburary 2024 disproportionatly Applied my Leave eligibality, Under Section 16, 1A of The Habeas Corpus Act, an application for Appeal to The Supreme Court, given Leave to be heard.

   2b, My Application for Leave to Appeal directly to The Supreme Court - [2024] NZSC 23 Was dismissed on the 19th day of March 2024 given that I had not satisfied Sections 74 and 75 of The Senior Courts Act 2016.

   2c, Short of purporting that my case is of

general or public importance, by dragging it through The Court of Public Opinion, I here in Application seek leave under Rule 16A timetabling to hear my Appeal under 5.c and 16,1,a of The Habeas Corpus Act 2001.

3. I, With respect, imply that my case on appeal has merit and that The Court of Appeal is the right Court and jurisdiction to hear my case.

4. I here appeal Only The High Courts refusal to issue the Writ of habeas Corpus based on The Warrant of Commitment, and for clarity, rescind the justification and internal managment issues raised in application to The High Court and Supreme Court on Appeal.

5. The Court of Appeal should grant my leave to appeal and hear my case because I offer timetabling alibi, Serious misjustice may have/or Will continue to occur, I have a right of Appeal under The Habeas Corpus Act, The High Court judgment 16th Feburary implies in reference to decisions it could not make, 'unlike an Appeal court' and because I, as well as The Respondent both rely on Court of Appeal Case Law.

6. I, The Appellant am not Legally aided

7. The Judgment I seek from The Court of Appeal is

7a, The issue of a Writ of Habeas Corpus.

Dated at Invercargill this 27th day of March 2024

Kyle James Craig
of Invercargill

In The Court of Appeal of New Zealand
I te Kōti Pīra o Aotearoa

Under: The Habeas Corpus Act 2001
The Senior Courts Act 2016
The Court of Appeal civil Rules 2005
The High Court Rules 2016
The District Court Rules 2014
The Family Court Rules 2002

Between: Kyle James Craig
of Invercargill
c/o Po Box 827 Invercargill
Applicant, Appellant, Avthour

AND

The Chief Executive of
The Department of Corrections
c/o 20 Aitken Street
Thorndale, Wellington
Respondent

Notice of Appeal to The Court of Appeal

dated: 27 March 2024

Kyle James Craig
c/o Po Box 827
Invercargill

Narrative - ab initium

0. On the 10th day of Feburary 2022 in The Invercargill Family Court an application and accompanying affadavit for a Without-Notice Protection Order made by Ms ~~Bella Jackie Webb~~ naming I, Kyle James Craig as The Respondent was accepted and laid, as a Temporary Order, by Judge S J Fleming.

0,a. In Janurary 2023 I was sentenced to a term of 12months imprisonment for my first breach of that Order by Judge Brandst-Geisen.

0,b. On the 27th of October 2023 I was again arrested and charged with contravening that order and was remanded in custody.

0,c. On the 19th day of Janurary 2024 in the Invercargil District Court I was here sentenced to 16 months imprisonment by Judge D G Harvey.

0.d. On the 8th/9th Feburary 2024 I was navigating my defence preparation for my hearing in The Family Court in contest of a Final Protection Order, and apprehended the Application error.

0.e. On the 10th day of Feburary I self-presented a habeas corpus application to The High Court via the prison mail system, in question of the lawfulness of my detainment.

0,f. On the 16th day of Feburary 2024 in The High Court my application was, upon submissions from myself and The Respondent, declined by Judge Radich J. It is This decision I Appeal.

0,g. On the 28th of Feburary I applied for Leave to Appeal that decision to The Supreme Court directly, With which, on the 19th day of March my Application for Leave to appeal was dismissed.

Following The Matter of: CIV-2024-425-000017
[2024] NZHC 202

To The Registrar of The Court of Appeal

1. I, Kyle James Craig, of Invercargill give notice that I am appealing To The Court against The High Courts 16th Feburary 2024 decision not to grant the issue of a writ of habeas corpus in my favour.

2. It is my submission in Appeal against the judgment in the above matter that The Judge erred in his enquiry into the matters of fact and law, to justify my detention, as required under Section 14,2 of The Habeas Corpus Act 2001 and didn't prescribe the issue of a writ of habeas corpus in my favour as The Judge, under Section 14,1, didn't inspect the Order pertaining to The Warrant of Commitment that The Respondent relied on in The High Court.

3. It was essentially my application under habeas Corpus that, at its soonest practicality, The Court must

    3a. Bring forth the body
    3b. Bring forth the Warrant
    3c. Bring forth the order

to inspect and therefore determine the merits Claimed to justify or uphold the legality of my detainment.

4. I appeal to The Court of Appeal that sufficient Weight was not given to points I made leading up to The Judgment deduced and I self-present that I imply that the grounds of my appeal are jurisdictional and procedual in that both the

Judge and The Respondent relied too heavily on Section 14,1A and 14,2 of The Habeas Corpus Act 2001 and didn't give sufficient test and regard to The Sections 14,1 principle to establish that my detention is lawful on the basis's that I brought for review.

5. I appeal that The Respondents Warrant of Commitment is not all in order, as paragraph 14 of Judge Radich's decision states.

6. The Respondents detaining Warrant of commitment Pertains to an Order and it is my ground for appeal that the contravened Order referred to in 'The Sentencing' or here for it's purposes, relied on to justify the detainment Warrant, must have also been produced or established, to satisfy Sections 14,1 and 14,2 of The Habeas Corpus Act, but that it wasn't produced by The Respondent for inspection nor for determination. I here appeal The Judge excluding this evidence.

7. It is my claim that The Respondent Wouldn't or Couldn't Produce the (justifying) order because

    7,a. it dosn't exist, or
    7,b. the order relied on can't and must not be read or used in proceedings in a Court

So therefore should not be being used in it's capacity within a commitment to prison warrant. It is my ground for appeal that this is error of law.

8. I, the appellant, do possess the Protection Order Application housing the error which invalidates the Protection order (Wrongly laid as) contravened but in a habeas corpus application the responsibility

to bring forth any and/or all documents claimed to lawfully justify detainment, is in this case, the responsibility of The Respondent to produce, otherwise the writ must issue in my favour.

9. It is my submission in Application as-well as appeal that because my warrant of commitment pertains to an order, that the required documents to justify detainment must for inspection be inclusive of

    9,a. The Protection Order Application
    9,b The Protection Order
    9,C The breach of Order Sentencing notes
    9,d. The warrant of Commitment for Sentence of Imprisonment

as a complete answer to my application to inspect the lawfulness and the underlying basis of my detainment, or not.

10. On par to appeal ground of ineffective assistance of no counsel at my proceeding and Judge Radich acknowledging that I had no complete knowledge of The Law or The Act, Short of me applying here for a Senior Court Act Section 57,b order from The Court of Appeal for a new trial or re-hearing of a civil proceeding in The High Court, With in any event, the inclusion of leave for a Section 16,1 and Section 16,4,b of The Senior Courts Act application to be re-heard by a High Court Judge With a Jury; in this case, I feel it is of a valid view that The Court of Appeal is the appropriate appeal Court to hear What in the High Court judgment was the raising of Conviction and Sentence appeals, offered in The Respondents defense.

11. For any intent or purpose, I here point to the fact that Section 11.4 of The Habeas Corpus Act gives rise to the jurisdiction of an issue where in light, a detained person is convicted / in custody under a Conviction.

12. The issue for determination found by The High Court that I here apply to argue in appeal is in paragraph 19 of The High Court Judgment, Wether in scope of a habeas corpus application, or not, a procedual test is appropriate to consider an allegation such as mine where a conviction, so thus therefore sentence, is entered into the warrant of detainment central to consideration, but that an alledged integrity of the validility of an order, or not, can be inspected in light of Sections 14,1A.b and 14,2.a of The Habeas Corpus Act, to determine if efficient establishment of lawful grounds to detain, or error, is present or not.

13. My Application to The High Court claimed: No legal order means no legal crime. Meaning, despite pleading guilty to actions described in Court in their leymen terms, breach of an order means the order must be just as central to proceedings, central to Sentencing and, the issue for determination in this Court of Appeal hearing, is the contravened order

    13,a. Central to The Respondents Warrant
    13,b. Upstream of The Warrant
    13,C. Or, an underlying process of the warrant.

14. Paragraph 17 of the High Court Judgment begs where I emphasise in my appeal that The Court of Appeal is the required Court to inquire into the challenges of The Respondents Warrant and the two sets of the same affadavit rules, in both the Family Court Rules and High Court Rules, that I rely upon which invalidate the Protection Order and thus the Sentence relied upon in the Warrant, unlawful under the rules I here also rely upon in my grounds for appeal - error of law and misdiscretion of the judge to be heard via my right of appeal confirmed in Section 5,C of The Habeas Corpus Act.

15. The Contravened Protection Order which is relied on to establish the Respondents Warrant was central to The Invercargill District Court proceedings where on the 19th day of Janurary 2024 I, Kyle James Craig, was sentenced to 16 months imprisonment for breach of a final Protection Order made 1 July 2023.

16. It was my Application in habeas Corpus that the 1 July 2023 Protection Order does not exist so therefore the breach of that order pertaining to the warrant at and after sentence must not exist as, as a matter of fact and law, inspection cant produce it.

17. It is my appeal to The Court of Appeal of the 16 Feburary High Court Judgment that at paragraph 12, the temporary Protection order observed by The High Court as confirmed in paragraph 11 by counsel for The Respondent under Family Court Rule 168 should not and must not have been read or used in a proceeding in a Court, as described in this Notice of Appeal under the heading: Affadavit Rules pertaining to the validility of an Order.

18. Because as I apprehended in prompt of my Application to The High Court the 10th of Feburary 2022 Protection Order Application which today remains in its Temporary state under contestment in The Family Court should not have been used or read in The District Court or The High Court and it is my ground for appeal that The High Court on the 16th of Feburary 2024 did not give enough test and or regard to this fact in determining Section 14.1 of The Habeas Corpus Act in my application

19. Without a substanciated, coded and clearly defined offence stated upon and so thus furnishing The Warrant in question, the here in reference to offence or legislation cant be examined by the reader and

this is the basis I argue, any such order in breach, must also be establishable by the reader and so is therefore in scope of a habeas corpus jurisdiction worthy of examination into The Warrants validility by a Higher Court or inspectorate.

20. Crime, or conviction upon a Warrant for Commitment for Sentence of imprisonment Can be relied upon - Because that is the integrity of our great Justice System

20,a. But Not in this rare case

The order breached and sentenced upon dosn't legally exist and it is in the interest of Justice and the integrity of of our Legislative system that I imply that my Appeal must be considered in my favour, because we must establish that What The Judge is saying is True and Correct.

21. I appeal the statutory basis The Judge found in Paragraph 14 of The High Court Judgment and it is the logic of This Court of Appeal held in Case (Law)

21,a. in *Manuel v Hawkes bay Regional Prison* The Court of Appeal observed and states in

[49]... In cases involving imprisonment or other Statutory confinements, this will involve the Production of a relavant Warrant or Warrants or other documents which provide the basis for the detention...

acknowledged in paragraph 17 of The High Court Judgment, as I appeal this case involves a requirment to produce other documents, for habeas Corpus inspection, which provide the basis for the detainment - the Order contravened.

Affadavit Rules Pertaining to the Validility of an Order

22. The Family Court Rules and The High Court Rules that I observe in this appeal are as follows

22,a. In The Family Court Rules 2002 Legislation it is stated in Rule 21,e that Applicants for a Protection Order must file, to make their Application, an affadavit.

22,b. for clarity, Rule 22,d states that a Family Violence Act 2018 and Without notice application must, alongside a Protection Order application include a Rule 308 certificate of Lawyer, in Confirmation under Rule 308,4,a,b that the requirements of The Act have been met.

22,c. Once accepted and filed to certify application, Rule 156,c states an affadavit must remain on the file unless The court gives leave for the affadavit to be removed.

22,d. Rule 158.1,c,i states Every affadavit must be signed by The Deponent. Rule 158,3 states the date on which and place at which an affadavit is sworn must be stated in the jurat and the jurat must be signed by the person, authourised, before whom the affadavit is sworn. Rule 158,4 states that if the affadavit is 2 or more pages long the deponent and person whom the affadavit is sworn before must initial each Page preceeding the page upon which the jurat appears

It is my claim and proof in habeas corpus due to imprisonment under such order that the 10th of Feburary 2022 Protection Order Application and affadavits here relied on by The District Court, The Respondent and

The High Court, to justify the detainment Warrant central to this appeal, do not bare these validating Marks to be legible in line with The Family Court Rules. namely Rule 168 deeming these must not be Read or used in proceedings in a Court

22,e. Rule 159,1,c of The Family Court Rules 2002 states an exhibit that accompanies an affadavit must be identified by a note made on it and signed before whom the affadavit is sworn, to be valid, and the 10 Feburary 2022 protection Order Application for the Order contravened lacks this.

22,f. Rule 168 states that unless an affadavit is sworn before a person who is authourised, it must not be read or used in proceedings in a Court.

deeming the issue in this appeal to be, aside from my plea of Guilt, and although currently deemed temporary in effect in The Family Court, should it have been relied upon by The Respondent in paragraph 11 and used by The High Court in paragraph 12 of the High Court Judgment of 16 Feburary 2024 I here appeal.

22,g. Rule 17,1,a of The Family Court Rules 2002 defines the failure of compliance I cite as an irregularity and in 17,1,b does not nullify nor in Rule 17,3 The Judge must not set the proceedings aside entirely, but as I point out here in my favour, upon it's apprehension under habeas corpus in the unjust severity of extensive imprisonment for first breaches, that Rule 16 states that Judges may give directions to regulate The Courts business and that under

Rule 16,1 The Judge presiding over The Court may at any time give any directions The Judge thinks proper for regulating The Courts business and in Rule 16,2 that Rule is subject to Rule 13,1 which states, in my favour, that a Practice that is not consistent with these Rules or a Family Law Act must not be followed in The Court, which per se, I as a person in doubt made what could be considered interloctuary a habeas corpus application to the Correct Court to do so, to the best of my means and ability, under duress and the haste required in habeas Corpus, which didn't describe these Rules as I do today with respect for The Court of Appeal as I appeal The Judge not making and giving directions and/or a decision in my favour, as implied in Family Court Rule 14,2.b.

22,h. For all intents and purposes of my habeas corpus application to The High Court and here my Appeal the High Court Rules 2016 Legislation also recognizes the Family Court Rules I cite and present in my favour namely

22,h,i 9.72 1,2,3
22,h,ii 9.73 2,a,b. 3. 5.
22,h,iii 9.76 1. 3. 4,a,b
22,h,iv 9.77 1 a,b,c. 3.
22,h,v 9.79
22,h,vi and 9.85,2 Where it is my claim in support of a habeas Corpus application in my favour that aside from conviction or not, the order which must be produced can't be produced and the writ must issue upon appeal.

23. Section 14,1 of The Habeas Corpus Act states that if The Respondent failed to establish that the detention of my detainment is lawful then The High Court must grant as a matter of right a Writ of habeas corpus ordering my release from detention.

24. I appeal The High Court allowed to much weight to the impropor admission of focus on the conviction in spite of Section 11,4 of The Habeas Corpus Act implying our esteemed Rule makers have anticipated an application involving one whom is convicted in any event as I appeal my conviction isn't in question here, the warrant pertaining to the mode of my sentence is in question via the intact and relied upon basis's building The Warrant being justified and lawful or not, so remains the issue for determination, With No Order, is there no crime via contravened order?

25. The High Court at Paragraph 20 of The Judgment I appeal found issue With the jurisdiction in which The High Court could act in face of a writ, unlike an appeal Court where in senior Court Act Section 16,4,b I endorse, as explained in Section 16,1 false imprisonment/malicious Prossecution gives rise to prolonged examination into documents - or the issue for determination in appeal here, in light of essentially three sets of appeals in three different Courts, is The Court of Appeal the right court and jurisdiction to hear and determine my over-all appeals as opposed to back tracking up and down the single Courts to wynd up back here, within the haste required of a habeas Corpus application Such as mine.

26. The purposes of The Habeas Corpus Act 2001 and

its jurisdictions are stated in Section 5,a to reaffirm the historic and constitutional purposes of the writ of habeas corpus as a vital means of safe guarding of individual liberty.

27. I in essence of the safeguarding of individual liberty have been aiming for sometime to defend myself against the weaponization of an unnecessary and frivilous/vexatious Protection Order being used by another individual to incite corruption and/or wage a State and Crown sponsored assault on me by way of slavery and imprisonment and

27,a. My case requires judicial witness at it's highest levels

28. We, as a people must be able to rely on wise counsel in the face of proceedings and if not then we must be able to rely on The Registrar, The Judge or then Court processes themselves.

29. MS [redacted] had a Lawyer in her application for a Protection Order, frivilous and vexatious or not she also had a certificate of Lawyer accompanying her application, as well as I, Kyle James Craig of Invercargill had a Lawyer for my Proceedings of breach and Sentence in The District Court.

30. In Conclusion, Section 15 of The Habeas Corpus Act outlines the procedure for what I claim is 'this case' and I wish to elaborate for The Courts consideration:

30,a. Section 15,1 of The Habeas Corpus Act 2001 states that the dismissal or the declination of my appeal to The Court

of Appeal of The High Courts 16 Feburary 2024 decision to decline the issue of a Writ of habeas corpus in my favour means no further application can be made by me, in any event where I may have wished to re-examine my application now that I have sighted The Act as Judge Radich J acknowledged, in front of a High Court Judge With a Jury, as it is clear that my grounds would substancially encapsulate the same questions here, Which makes my appeal to The Court of Appeal more important that we get this right, as I can't begin a new application and here beg The Appeal Courts understanding and discretion to grant my Section 5,C right to an appeal being heard in forgivness under Court of Appeal Rule 16,A timetabling as I in reasons just stated sought Leave of The Supreme Court first.

30,b. for the upmost assurance of The Court of Appeal I wish to here elaborate that in respect to Section 15,2 of The Habeas Corpus Act I insist that it must be viewed that I have not once harmed, threatened, approached or accosted Ms Webb and that it is I who claim to be victim of her Protection order and her drivers set in Place to breach me.

30,C. Section 15,2 is, in protect, subject to Section 15,3 and is in effect a correct. The invalidation of the 10 Feburary 2022 Protection Order, in

[redacted]

this as the only way to peacefully resolve what Judge D G Harvey on the 19th of January 2024 called. simply ongoing.

[redacted]

30,d. Section 15,3 of The Habeas Corpus Act outlines 'this case' where the procedual defect leading to my release by the issue of a writ of habeas corpus will see to it that the protection order defect has/will be corrected and will no longer apply. I submit this provision in The Act outlines the fact and way in which this rare case has merit, in my favour.

31. I the Appellant bring this appeal pursuant to leave of right under 5.c of The Habeas Corpus Act and alibi of late filing in line with Court of Appeal Rule 16 A

32. The Judgment I seek from The Court of Appeal is:

32,a. The issue of a writ of habeas corpus

33. The Appellant is self-presented and not legally aided

Dated at Invercargill this 27th day of March

Kyle James Craig
of Invercargill
Appellant

Copies to: The Registrar of
The Court of Appeal
and to: The Respondent

COURT OF APPEAL OF NEW ZEALAND
TE KŌTI PĪRA O AOTEAROA

CA168/2024
CIV-2024-425-000017

NOTICE OF FILING

TAKE NOTICE THAT ON 27 MARCH 2024

Kyle James Craig

filed an application for an extension of time and appeal in relation to an application for a writ of Habeas Corpus

Court where application for writ made:	Christchurch High Court
Date of judgment declining writ:	16 February 2024
Judge:	Radich J

Emma Purdy
for REGISTRAR

Copies to:
Registrar Christchurch High Court
Radich J
Crown Law Office
Appellant
Custody Manager

Cnr Molesworth & Aitken Streets, PO Box 1606, Wellington, New Zealand, DX SX11223
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In The Court of Appeal of New Zealand
I te Kōti Pīra o Aotearoa

In the Matter: CA 168/2024

Under: The Habeas Corpus Act 2001
New Zealand Bill of Rights Act 1990

Between: Kyle James Craig
of Invercargill
c/o Po Box 827, Invercargill
Appellant

AND

The Chief Executive of
Department of Corrections
c/o 20 Aitken Street
Wellington
Respondent

Interim Order Application

dated: 3rd day of April 2024

Kyle James Craig
c/o Po Box 827
Invercargill

To The Registrar of The Court of Appeal

1. I, Kyle James Craig, of Invercargill, The Appellant in these proceedings, Apply here in writing for an interim order for release from detention, under Section 11,1 and 11.4 of The Habeas Corpus Act 2001, for the duration (of) pending final determination of my Application.

2. I cite the provisions of The Acts, the strength of my case and the miscarrage of justice and wrongful imprisonment likely to continue to occur, in support of this Interim Order Application.

3. Section 5,a of The Habeas Corpus Act 2001 states, in my support, that the purposes of this Act are to reaffirm the historic and constitutional right of a means of safeguarding of individual liberty. Here Section 5,b makes provision for restoring the liberty of persons claiming to be unlawfully detained, by establishing this effective procedure for applications to The Court for the issue of a writ of habeas Corpus and for the expeditious determination of these applications.

4. It is these provisional interests and the expeditious issue I make this interim order application and I submit the following timetabling points in my support:

    4.a. On the 28th day of March 2024 The Court of Appeal of New Zealand gave Notice of a hearing of my Appeal to be heard, on the papers, in The Divisional

Court at The Court of Appeal at Wellington in the week of Monday 20 May 2024.

4,b. I, The Appellant have up until Monday the 15th of April 2024 to file my written submissions.

4.c. Despite Section 9 of The Habeas Corpus Act, The 20th of May is over 45 days away

4.d. I imply that the strength of my case here is strongly in my favour and any Judiciary in doubt can sight the legal error I claim invalidates The Respondents case as the erronous contravened Order is filed and housed in FAM: 2022-025-000027

4,e. Currently under the Sentence of imprisonment in question, I have served now, two thirds of the period, that being 158 days out of a total of 241 days.

4.f. I, in any event, am due for release from Prison in 83 days, that date being the 25th of June 2024.

4.g. The interim order for release today, pending, final determination of my Writ Application (in May) can result in only two outcomes:

4.g.i. My recall to Prison, if the issue of the writ of habeas corpus application is refused will command I serve the remainder of my sentence, pushing my release date / imprisonment period 20 May 2024 - 07 August 2024

4.g.i. In the event of the issue of a writ of habeas corpus in my favour, the compensation formula of this current term of imprisonment will reduce

the 206 day balance, by 48 days, in favour of The Crown, due to the success of this interim Order for release pending final determination Application.

5. So remains, financial incentive for me to be in Court, I want my day in Court, and I propose an Invercargill address approved by Community Probation services in January of 2024, Within the jurisdiction and area of The Invercargill Law Courts, where I can present myself when asked, Within the week of 20 May 2024, or at any other time The Court of Appeal commands, for me to appear at the hand of the registrar, before our hearing.

Section 11 of The Habeas Corpus Act 2001

6. Any judgment of The Court of Appeal, Order, or decree may be enforced by The High Court as if it had been made by The High Court, in satisfaction of Section 11.1.

7. I did not/have not applied for Bail in relation to any of the charges furnishing The Warrant of Commitment for sentence of imprisonment, centeral to this hearing in appeal, so therefore have not been denied bail either, to the satisfaction of Section 11,2.

8. Section 11,1 of this interim order application allows The Court to attach any conditions it thinks fit or appropriate to the circumstances of interim release, to the satisfaction of Section 11,3, and I point to The Court-The Warrant in question brandishes release conditions, for consideration, and I also apply the pre-approved address by community corrections of:

8,a-

Glengarry
Invercargill

as in remain, suitable for release accommodation for me.

9. I am a detained person in custody under conviction and have calculated in paragraph 4 of this Application the time during which interim order of release pending final determination (of 48 days) does not count as part of any of my period of sentence, if, on final determination in The Court of Appeal, my application for the writ of habeas corpus is refused. I submit that this as-well as the fact I have already served more than two thirds of my sentence and that I have revealed the legal merit of my evidence, satisfys in my favour Section 11.4 of this Habeas Corpus Act Interim Order Application, being granted, conditionally, in my favour

10. I here by understand and agree to the powers conferred by Section 12 and the conditional release implied under Section 11.1.

Fairness to present an informed defense

11. I am a self-presented lay litigant adament that the truth is on my side and that it must prevail. However, amidst staffing shortages, lack of access to space and especially resources let alone the stress I cause for short of patience staff to even email this application to The Registrar, I purport that I am at a significant legal disadvantage and inability to fairly or successfully litigate from Prison

11.a. In Any Court, especially The Family Court.

12. The Laws and Acts that I can finally cite come from friends who can search and print, then send them through the post/but even slower prison mail service, however, my friends can only search, Not research.

13. I with upmost respect submit that it is in the interest of fairness and justice that this interim Order for release pending final determination be considered in my favour, before my written submission filing date of 15 April 2024, for I to fairly litigate.

Rights that I rely on in my support

14. Section 27,3 of The New Zealand Bill of Rights Act 1990 States a right to bring, defend and have proceedings heard according to the Laws, I as a person, rely on in civil proceedings against or involving The Crown, Protected or recognized by Law, implied here in appeal by Section 27,2 of The Bill of Rights and this case in particular, Section 23,1,c of The Bill of Rights Act.

15. In view of Section 22 of The Bill of Rights Act 1990 I with upmost respect point to section 26,1 as I here Submit this Interim Order Application for consideration, in my favour, to the mercy of The New Zealand Court of Appeal

16. I, Kyle James Craig, the appellant in these proceedings, In contrast of this section 11 Application, rely on the Contents of my Notice of Appeal filed submissions in view of the balance of probability that the final determination of these proceedings may well be a finding in my favour.

Signed and dated at Invercargill
this 3rd day of April 2024 by the said Kyle James Craig

Copies to: The Registrar, Court of Appeal
The Respondent

In The Court of Appeal of New Zealand
I te Kōti Pīra o Aotearoa

In the Matter: CA 168/2024

Under: The Habeas Corpus Act 2001
New Zealand Bill of Rights Act 1990
Court of Appeal (civil) Rules 2005
Senior Courts Act 2016

Between: Kyle James Craig
of Invercargill
c/o Po Box 827
Invercargill
Appellant

AND

The Chief Executive of
Department of Corrections
c/o 20 Aitken Street
Wellington
Respondent

Application for Prompt Review of Registrar decision to reject Interim Order Application

dated this 4th day of April 2024

Kyle James Craig
c/o Po Box 827
Invercargill

May it please The Court

1. I request please under Section 9,2 of The Habeas Corpus Act 2001 that this review application and under laying 3rd April 2024 Interim Order Application be dealt with as a matter of priority and urgency stated in 9,2 in the interest of judicial fairness to present an informed defense via my due for filing Written Submissions, givin the fact I submitted my Interim Order Application 3 days before the end of week 5th April 2024 (9,3)

2. I here in writing request under Court of Appeal (civil) Rule 5A, 3, a, b for a review of The Registrars 3rd April 2024 rejection of my 3rd April 2024 Interim Order Application due to lack of jurisdiction.

3. I appeal to The Court in favour of The Interim Order Application being granted that it is appropriate in the circumstances of this matter, can be made conditional to the satisfaction of The Court and I here in Written response to jurisdictional issue offer in respect to the esteemed reader the following provisions in my favour:

   3a, If I err in my lay litigancy but my genuine underlaying intent and purpose is apparant, I apply for discretion under Rules 8 and 6 of The Court of Appeal (civil) Rules please, as well as any directions by The Judge be excercised by the powers given in Rule 7.

   3b, I apply direction of my Interim Order

application in the interest of justice be viewed in contrast to Rule 5,1

3c, Section 17,2 Section 10 Section 5,b and Section 9 of The Habeas Corpus Act requires a haste where I, the appellant do appreciate that mistakes can be made here, but I bring a case with merit and strength in my favour because I possess the evidence that invalidates The Respondents Case. The Jurisdictions in The Acts of which The Court can Act, is the issue for determination in this appeal, however, in contrast to the jurisdiction The Registrar cites in rejecting my much needed 3rd April Interim Order Application, I rely on the following in alibi and support:

3,c,i. Under Court of Appeal Jurisdictions of The Senior Courts Act 2016 Section 11 of The Habeas Corpus Act Can be enacted in my favour by The Court of Appeal.

3,c,ii. Section 58 of The Senior Courts Act 2016 states here, in my favour, a judgement, an Order or decree of The Court of Appeal may be enforced by The High Court as if it had been given by The High Court and this provision is relied upon in Paragraph 6 of my rejected Application 3rd April I here seek be granted.

4. I rely on the provisions and enactments of The New Zealand Bill of Rights Cited in my 3rd April 2024 Interim Order Application.

5. I here in rely on the contents of my 3rd April Interim Order Application satisfying Section 11 of The Habeas Corpus Act in my favour.

6. I submit this Court of Appeal (civil) Rule SA,3 review application in request of the Interim Order being heard and granted in my favour in line with the haste required of a habeas corpus application, Thank You

Signed and dated at Invercargill this 4th day of April, 2024 at 12:12 pm by the said:

Kyle James Craig
of Invercargill

1 May 2024

RE: CA 168/2024

Kyle James Craig
c/o PO Box 827
Invercargill
Appellant

To The Court of Appeal

Rule 10B Opposal to The Respondent's Akind Informal Application for extended time to file Written Submissions by Close of business 30 April

Good Afternoon

I, Kyle James Craig of Invercargill, The Appellant in these proceedings apply in expression opposition to The Respondents earlier 1 May email to The Court requesting the extension of time until the 3rd day of May to File Respondent Submissions due the 30th of April as directed by The Court.

I do note that the Written Submissions requested to be filed on time by The Court are described as those which should be governed under Court of Appeal (Civil) Rule 41 but which were revoked in 2019, We must expect the Rules of Any Court to be followed as it is The Rules of The Court in which I rely on here to fairly win my case on Appeal, so with absence of Rules 41 and respects to Rule 39A, 2 implying the written submissions by The Respondent due yesterday are the Written Synopsis of argument on Appeal then I in opposition of The Respondents Rule 5A, 1c and 2 request 1 May 2024 that a 5A, 3 view may hold the Rule 40E, 1, b filing rule as in satisfaction of Rule 40E, 1 requirement that a hearing date has been allocated Which is Week of 20 May 2024 which Without Prior leave before the 30 April Filing date The Respondent has

Sought extension contrary to Rule 40E,1,b or other filing before hearing rule (in offence to Rule 40 E, 4) timeframe, to the 3rd of May leaving The Judges relied upon only 10 working days.

I rely on the rule of The Judges to be fair and awarding when valid

I here in writing submit The Respondent has failed to file submissions on time and so should not be read in his defense of Appeal.

His Rule 5A request was made not on the 30 April due date but in fact the next day citing alibi.

I in alibi of duress and legal disadvantage due to imprisonment applied for fairness in finalising my written submissions too, via my 15 April Interim order application and was denied but I submitted what I could on time and in line with Rule 40E.1,a for comparison.

The week 20 May is set for hearing. I opose The Respondent having an extension of time and his written submissions Not be used or read via filing, and that The Court deserves it's 15 working days before The hearing timeframe as directed

Signed. Kyle Craig

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

CA168/2024
[2024] NZCA 109

BETWEEN	KYLE JAMES CRAIG Applicant
AND	CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONS Respondent

Counsel:	Applicant in person No appearance for Respondent
Judgment: (On the papers)	12 April 2024 at 11.00 am

JUDGMENT OF COLLINS J
(Review of Deputy Registrar's Decision)

The application for review of the Deputy Registrar's decision is declined.

REASONS

Introduction

[1] Mr Craig has applied for a review of a decision of the Deputy Registrar rejecting his application for an interim order under s 11 of the Habeas Corpus Act 2001 (the Act).

[2] Mr Craig is a prisoner at Invercargill Prison. His application for habeas corpus is to be heard by this Court in the week of 20 May 2024.

[3] Mr Craig has applied under s 11 of the Act for an order granting him release from prison.

[4] Section 11 of the Act states:

> **11 Interim orders for release from detention**
>
> (1) The High Court may make an interim order for the release from detention of the detained person pending final determination of the application, and may attach any conditions to the order that the court thinks appropriate to the circumstances.
>
> ...

[5] Section 11 plainly applies only to applications that are made to the High Court. This Court lacks the jurisdiction to consider Mr Craig's application for interim release.

[6] The Deputy Registrar was correct when she declined to accept Mr Craig's applications under s 11 of the Act.

[7] The application for review of the Deputy Registrar's decision is declined.

In The Court of Appeal of New Zealand
I te Kōti Pīra o Aotearoa

In The Matter: CA 168/2024

Under: The Habeas Corpus Act 2001
New Zealand Bill of Rights Act 1990
The Senior Courts Act 2016
The Court of Appeal Civil Rules 2005
The High Court Rules 2016
The District Court Rules 2014
The Family Court Rules 2002

Between: Kyle James Craig
of Invercargill
c/o Po Box 827, Invercargill
Appellant

AND

The Chief Executive of
The Department of Corrections
c/o 20 Aitken Street, Wellington
Respondent

Written Submissions on Appeal

dated: 15 April 2024

Kyle James Craig
c/o Po Box 827
Invercargill

May it please The Court of Appeal

1. I, Kyle James Craig of Invercargill, The Appellant in this, these proceedings, rely on the contents of my Notice of Appeal to The Court of Appeal, addressed to The Registrar of The Court of Appeal and dated the 27th of March 2024, as I will refer to this notice of Appeal document in these written submissions and so are intended to be read along side, in my support.

2. I here Appeal a Judgment of The High Court made 16th Feburary 2024 and from The Court of Appeal I seek the issue of a writ of habeas corpus.
These written submissions are intended to build on my grounds and points made in my 27 March 2024 Notice of Appeal submissions.

Respondents Submission to The High Court

3. The Respondents Submission to The High Court in paragraph 15 of his memorandum dated 15th Feburary 2024 stated

> [15] It is submitted any challenge to the validity of the underlying protection order are best made by way of appeal against conviction ...
> It is submitted The Court ought to refuse this ground pursuant to s 14 (1A) (b) of the [Habeas corpus] Act

and I appeal the Respondents attempt at dissuading any inspection of The Warrant in question (by using 14 (1A) (b) to, despite Section 14,1) misleading The Court via 14,1A, not requiring The Respondent to establish lawful detention, is guilt

4. I appeal under section 14,1A,b that, in contrast to a community based sentence post conviction, that habeas corpus here is the correct application to inspect the protection order furnishing The Warrant, because I am

being detained for breach of such order, of which the Habeas Corpus Act 2001, Is the correct legislitive process whilst detained to inspect any question of lawfulness and justification in line with the Rules of Laws and Facts.

Matters of Fact and Law

5. I applied for a writ of habeas corpus whilst imprisoned on sentence (Not while in the community on sentence) because under Family Court Rule 168 the 10th Feburary 2022 protection order furnishing The warrant in question is not lawful under the Rules of Law and should not have been used or read in a proceeding in a Court to pass (the seal of The District Court of New Zealand) onto a Warrant or binding document, contrary to justifacation, matter of law.

6. In sentencing in The District Court the summary of facts referred to, in sentencing of imprisonment, a final Protection order made 1 July 2023. I applied for a writ of habeas corpus to inspect the validity of the non existent order furnishing the warrant in question, where in Paragraph 11 of the High Court Judgment in question, the error in the summary of facts deeming the facts an error and so no longer a summary of facts, Was admitted, and I here appeal this untruth in a proceeding in a court being allowed by the High Court to uphold the warrant in question, due to an admitted error in matters of fact.

7. In order to be heard in The Supreme Court I must under Section 74,1 and 74,2, a (and) b campaign and petition that this case is a matter of public importance, and I appeal that when lies by The Invercargill Police can be repeated in a Court room, especially by a Judge, and that the legislative constitutions to safeguard individual liberty, remain, under section 23,1,C of The New Zealand Bill of Rights Act 1990, but that the actual legal granting of the issue of a writ of habeas corpus under The Habeas Corpus Act 2001 is so jealously guarded by The High Court in face

of merit and precedence, such as in this case, should be a matter of public importance or in the least certainly a miscarrage of justice as if it is present in this case then the Invercargill Law Courts must surely have offended in other cases.

8. In paragraph 15 of The High Court judgment I appeal that under S14(2) that a judicial inspector weighing the issue of a writ of habeas corpus in my favour, can brush the surface of the question of conviction resulting in detainment, as in this case, the issue of a court of Competent Jurisdiction does come to rise and if we as a public of New Zealand agree that the definition of Competent is:

8a. having legal capacity or power
8b: sufficient and fit for purpose
8c: answering All requirements

then we can agree in my favour that the Invercargill District Court on the 19th of January 2024 did Not Under Family Court or District Court Rules display the competence to weild the jurisdiction to read or use in a proceeding in a court either the final or the temporary protection order to build a warrant to commitment of imprisonment, so I appeal the insufficient weight given in my regard in paragraph 15, as I also appeal that The High Court did in fact inspect the underlying documents pertaining to the Warrant of Commitment, but missed this fact in calculating a judgment in my favour.

The Court in it's Habeas Corpus Jurisdiction and it's inquiry into challenges of underlying processes.

9. Section 14,2 of The Habeas Corpus Act 2001 states that (upon my application) the Court must enquire into the matters of fact and law claimed to justify the detention.

10. I here appeal The High Court decision at paragraph 19 that The Court did in fact have the basis, grounds and foundation to consider the protection orders, the integrity of the documents and the validity of their place upon the face of the warrant in question, because as opposed to a community based sentence, the habeas corpus jurisdiction due to imprisonment and detainment under S 14,2 allows The Judge to enquire, as he did:

11. Justice Radich in Paragraph 12 of The High Court Judgment central to this Appeal admits to examining the underlying processes of the warrant in question such as

    11,a: Judge Harveys sentencing decision
    11,b The temporary protection order and also the terms of the temporary protection order

and it is my appeal that in judgment the Judge didn't give the regard and finding in my favour for the error I claim invalidates the Respondents warrant, the error housed in the 11,b document, order and terms, that the Judge was holding. I appeal this exclusion of evidence

12. The (11,b) 10th Feburary 2022 Temporary Protection Order Judge Radick refers to in Paragraph 12 of The High Court decision consists of:

    12,a. The Application for a Without notice protection order and affadavits
    12, b. The Minutes of Judge S J Fleming granting the order, and its conditions
    12,c. an information and cover sheet of the protection order processes and conditions which are standard

in one bundled document.

13. I appeal in my favour that it is the Temporary Protection Order Application affixed to the Temporary Order Application held and observed in Paragraph 12 of the High Court decision, outlined in 12,a of the prior Paragraph, and offending in my favour against the Court as prescribed in Paragraph 22 22a - 22,h of my Notice of Appeal dated 27 March 2024 and that this is the basis the Writ must have issued in my favour.

14. The irregularity I cite takes effect once it is apprehended and the invalid affadavit Rule I cite in my favour is the Same in all Family Court, District Court and High Court Rules. It must not be read or used in a proceeding in a court. An affadavit must comply and be legally binding to be used

14,a. Any argument to the contrary is ignorance of law

14,b. and ignorance of law is not a valid defense in New Zealand, so nor is it for The Respondent.

15. It is the Logic of this court of Appeal that must be upheld in this rare case which has come along, that there is merit in inspecting underlying documents and processes for a Warrant of Commitment to imprisonment challenge, under habeas corpus, and must issue if in error.

16. In turn, The Respondent has not once denied my claim that the erronus protection order invalidates the protection order, once apprehended, and here invalidates the District Courts use of it to build the warrant of commitment subject to appeal, so accordingly in my favour, it is a general rule of The Court that a fact or claim Not denied is a fact or claim admitted.

16,a. Furthermore, I point any judicary

in doubt that the error remains filed and housed in my favour of a writ of habeas corpus in FAM: 2022-025-000027

Case Law I rely on in Appeal

17. In appeal of paragraph 16 of The High Court Judgment I submit that I as the applicant have in paragraph 22 of my notice of appeal, and my oral argument to The High Court, demonstrated the necessary substance of merit, law and fact that the warrant in question does not provide lawful justification for detention in these S14.1 particular circumstances, because of the protection order.

18. In appeal of paragraph 17 of The High Court Judgment I emphasise that this is a rare case where The High Court at paragraph 12 did enquire into my grounds which lay upstream and it's the logic of this court of Appeal held in Manuel v Superintendent, Hawkes Bay Regional Prison [2006] 2 NZLR 63 (CA) but that in this rare case the High Court didn't give enough regard to the test it held, where yes, I appeal that a comprimised Protection Order can, could and in this case should allow the issue of a writ of habeas corpus and I appeal that this can't and should not just be ignored, especially in hindsight.

Options: upon unsuccessive Appeal

19. It is my view that there is a long way and a short way around and toward a finding in my favour.

19.a To win an appeal of conviction and Sentence, quashing both, would imply that the writ must of issued, but again, was too jealously guarded by The Crown

20. I am the apprehender of The Protection order defect, but unlike a community based sentence, the very nature of imprisonment disables me from remedy

20,a. and I here claim Judicial and Public Witness is in my favour, as

20,b. It would be a corrupt day in the Family Court if under my detainment, duress and judicial incapication the error was fixed against me

20,C. allowing, contrary to our Bill of Rights, the protection order to continue to be weaponized against me as it is

21. I exert there remains in New Zealand a multitude of case law where worse cases of breach have been given lesser sentences

21,a. and that a bias was ~~affoet~~ in The Invercargill Law Courts

21,b. and so must and 'may' be present in this habeas corpus application?

Option 1

22. Appeal The Court of Appeal dismissal to The Supreme Court, or:

23. Request from The Court of Appeal a direction for a habeas corpus rehearing in The High Court where I re-apply (more learned) and in reverse onus, I submit all documents I claim invalidates the warrant of commitment, to a High Court Judge With a Jury, then

24. I appeal that High Court decision back to The Senior Courts but now, by this time, post my release date June 25th 2024.

Option 2

25. I take The Respondents advice in memorandum 15th Feburary 2024 and Appeal to The High Court the District Courts Sentence and conviction upon the basis relied on here (but apprehended post sentence) where I had a lawyer for my District Court matters.

26. In success of conviction and sentence appeal, I assert that the Writ of habeas corpus application I made was valid... and so here, Should have issued in my favour.

27. In denial of my appeal I uptake option 3.

Option 3

28. I appeal to The District Court the 10th Feburary 2022 S J Fleming Without Notice protection order

28,a. and if successful, revisit Option 2 and 1

29. If unsuccessful, and now post my release June 25th 2024, employ option 4.

Option 4

30. Request from The Family Court confirmation of my grounds I brought in habeas corpus application and Request from The Governor-General Senior Court Rule ammendments for a habeas corpus re-hearing.

Option 5

31. Following the rules and procedures of The Family Court, gain documentation of the status and grounds I brought in habeas corpus for confirmation, then in line with The Family Court Rules and Procedures, ammend and repair any irregularities in the case to the best of my favour, deeming everything between the 10th of feburary 2022 and that date, erronus, and open

to judicial review, including all breaches and sentences, where in appeal I again imply that the Writ of habeas corpus must have issued.

32. and so on ...

33. Where in appeal of paragraph 17 of The High Court decision and a lack of habeas corpus case law where the warrant pertains to an order, I submit (that) that the habeas corpus procedure does allow for, as it appeared in paragraph 12 of the decision, The Court to acknowledge and find in my favour, due to imprisonment, challenges on the grounds I bring which remain shallow on the face of the warrant. (The underlying order.)

34. I submit, The Court of Appeal must in hindsight find the issue of the Writ of habeas corpus in my favour as it is the logic and the jurisdiction of a Court in Appeal which I rely on and which was mentioned as the correct Court in The High Court Judgment.

35. Section 59 of The Senior Courts Act states the leave where The Court of Appeal can grant the issue of the Writ in my favour as if it had been made by The High Court

Signed and dated at Invercargill
this 15th day of April 2024 by the said:

Kyle James Craig

Copies to The Court of Appeal
The Respondent

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

CA168/2024
[2024] NZCA 184

BETWEEN	KYLE JAMES CRAIG Appellant
AND	CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONS Respondent

Court:	Collins, Churchman and Osborne JJ
Counsel:	Appellant in person W S Taffs for Respondent
Judgment: (On the papers)	28 May 2024 at 2.30 pm

JUDGMENT OF THE COURT

A The application for an extension of time to appeal is granted.

B The appeal is dismissed.

REASONS OF THE COURT

(Given by Collins J)

Introduction

[1] Mr Craig appeals a decision of Radich J declining Mr Craig's application for a writ of habeas corpus.[1]

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1 *Craig v Chief Executive of the Department of Corrections* [2024] NZHC 202.

[2] Mr Craig's appeal was filed 8 days out of time. As the delay was short and explained, we grant an extension of time.

[3] On 19 January 2024, Mr Craig was sentenced in the Invercargill District Court to 16 months' imprisonment for three breaches of a protection order, one month's imprisonment for possession of cannabis and one month's imprisonment for failing to assist with a computer search by providing a pin code.[2] All sentences were imposed concurrently.

[4] Mr Craig raises a number of points on appeal. His grounds of appeal can be conveniently distilled to two broad grounds:

(a) He challenges the legitimacy of the convictions for which he has been imprisoned. He also says that a term of imprisonment lacks merit in his case because he has autism.

(b) He is also concerned that he is required to share his cell with another inmate. He says this arrangement hinders his ability to prepare for a Family Court case with which he is involved.

The challenge to the legitimacy of the convictions

[5] Mr Craig pleaded guilty to the offences which resulted in the sentence of 16 months' imprisonment.[3] Nevertheless, he challenges the legitimacy of the convictions and sentences imposed.

[6] There is no doubt Mr Craig is detained for the purposes of s 6 of the Habeas Corpus Act 2001. The onus therefore rests with the respondent to demonstrate that the detention is lawful.[4]

[7] The respondent produced in the High Court the warrants committing Mr Craig to terms of imprisonment.

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2 *Police v Craig* [2024] NZDC 1030 [Sentencing notes] at [15].
3 At [14].
4 Habeas Corpus Act 2001, s 14(1).

[8] This Court explained in *Bennett v Superintendent, Rimutaka Prison*:[5]

> ... In practice, once a prison superintendent or other official named as respondent produces a committal warrant or other authorisation ... it would then be necessary for an applicant for habeas corpus to demonstrate that the documentation did not in fact provide a lawful justification in the particular circumstances. ...

[9] In any event, the Habeas Corpus Act specifically prohibits a Court to call into question a conviction of an offence by a court of competent jurisdiction. Section 14(2)(a) of the Habeas Corpus Act states:

> **14 Determination of applications**
>
> ...
>
> (2) A Judge dealing with an application must enquire into the matters of fact and law claimed to justify the detention and is not confined in that enquiry to the correction of jurisdictional errors; but this subsection does not entitle a Judge to call into question—
>
> (a) a conviction of an offence by a court of competent jurisdiction, the Court Martial of New Zealand established under section 8 of the Court Martial Act 2007, or a disciplinary officer acting under Part 5 of the Armed Forces Discipline Act 1971; or
>
> ...

[10] Faced with the effect of s 14(2)(a) of the Habeas Corpus Act, Mr Craig argues the District Court is not a court of competent jurisdiction. That argument is misconceived. Parliament created the District Court and its predecessor legislation, the latest iteration of which is the District Court Act 2016.[6] Section 7(3) of that Act specifically confers civil and criminal jurisdiction on the District Court and provides that it is a court of record. It is therefore a court of competent jurisdiction, which had the authority to consider the charges against Mr Craig, accept his guilty pleas, and sentence him appropriately.

[11] If Mr Craig wishes to challenge the sentence imposed, then he may apply to the High Court for leave to appeal out of time the sentences he takes issue with.[7]

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5 *Bennett v Superintendent, Rimutaka Prison (No 2)* [2002] 1 NZLR 616 (CA) at [70].
6 District Court Act 2016, s 7(1).
7 Criminal Procedure Act 2011, ss 244 and 247.

[12] Mr Craig also attempts to challenge the integrity of the protection orders on the basis that the summary of facts that he pleaded guilty to referred to there being a final protection order whereas the protection order was temporary.

[13] That however does not advance Mr Craig's case. What is beyond dispute is that there was a protection order in place, he breached that order on three occasions and he pleaded guilty when charged with those breaches.

[14] Mr Craig's autism was specifically considered by the Judge who sentenced Mr Craig, but nevertheless decided a sentence of imprisonment was appropriate.[8]

[15] Mr Craig's attempts to challenge the legitimacy of his conviction fails by a very wide margin.

Challenges to the way the sentences are being administered

[16] A writ of habeas corpus is not the appropriate mechanism for challenging the way a lawful sentence of imprisonment is administered. In particular, habeas corpus can not provide relief where a prisoner is unhappy with cell arrangements. This part of Mr Craig's appeal fails because of the clear text and purpose of s 14(1A)(b) of the Habeas Corpus Act which relevantly provides:

> (1A) … the High Court may refuse an application for the issue of the writ, without requiring the defendant to establish that the detention of the detained person is lawful, if the court is satisfied that—
>
> …
>
> (b) an application for the issue of a writ of habeas corpus is not the appropriate procedure for considering the allegations made by the applicant.

Result

[17] The application for an extension of time to appeal is granted.

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8 Sentencing notes, above n 2, at [14].

[18] The appeal is dismissed.

Solicitors:
Crown Solicitor, Christchurch for Respondent

COURT OF APPEAL OF NEW ZEALAND
TE KŌTI PĪRA O AOTEAROA

NOTICE OF RESULT

CA168/2024
Originating Court No: CIV-2024-425-000017

BETWEEN **KYLE JAMES CRAIG**
Appellant

AND **CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONS**
Respondent

I, Kristiarn Patea, Deputy Registrar of the Court of Appeal of New Zealand, do hereby certify to the Registrar of the High Court at Christchurch that at the Court of Appeal, Wellington on the 28th day of May 2024, there was delivered the judgment of the Court whereby -

IT WAS ADJUDGED that

The application for an extension of time to appeal is granted.

The appeal is dismissed.

GIVEN under my hand and seal of the said Court of Appeal, at Wellington, this 29th day of May 2024.

THE COURT OF APPEAL OF NEW ZEALAND

Deputy Registrar

Copies to: Registrar of Christchurch High Court
Radich J
Appellant
Respondent Counsel

Cnr Molesworth & Aitken Streets, PO Box 1606, Wellington, New Zealand, DX SX11223
Telephone: 04 914 3540 Fax: 04 914 3570 Email: courtofappeal@justice.govt.nz

IN THE HIGH COURT OF NEW ZEALAND
INVERCARGILL REGISTRY

I TE KŌTI MATUA O AOTEAROA
WAIHŌPAI ROHE

CIV-2024-425-17
[2024] NZHC 1751

BETWEEN	KYLE JAMES CRAIG Applicant
AND	CHIEF EXECUTIVE, DEPARTMENT OF CORRECTIONS Respondent

Hearing:	On the papers
Appearances:	Applicant in person K A Courteney and W S Taffs for Respondent
Judgment:	1 July 2024

JUDGMENT OF DUNNINGHAM J

This judgment was delivered by me on 1 July 2024 at 11.30 am, pursuant to r 11.5 of the High Court Rules

Registrar/Deputy Registrar
Date:

Introduction

[1] The Deputy Registrar has placed before me an application by Kyle Craig for an interim order releasing him from detention under s 11 of the Habeas Corpus Act 2001 (the Act).

[2] The Deputy Registrar considers that the application falls within s 15(1) of the Act in that the application requires a re-examination by this Court of substantially the same questions as those considered and determined by the Court when an earlier application for a writ of habeas corpus was refused.

The application for a writ of habeas corpus

[3] In order to understand why s 15(1) of the Act may apply, it is necessary to outline the history of Mr Craig's application for a writ of habeas corpus.

[4] Mr Craig initially made an application for a writ of habeas corpus to this Court in February 2024. The application was heard by Radich J who declined it.[1] In summary, Radich J held that the production of the warrant of commitment for a sentence of imprisonment in respect of Mr Craig provided a complete answer to the application, noting that, under s 14(2) of the Act, a Judge is not entitled to call into question a conviction of an offence by a Court of competent jurisdiction.[2]

[5] While Mr Craig raised a number of concerns about:

(a) the appropriateness of his sentence; and

(b) his conditions in prison,

the Judge concluded that those were not matters which went to the lawfulness of the detention, nor was an application for the issue of a writ of habeas corpus the appropriate procedure for considering those allegations.[3]

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1 *Craig v Chief Executive of the Department of Corrections* [2024] NZHC 202.
2 At [15].
3 Habeas Corpus Act 2001, s 14(1A).

[6] On 28 February 2024, dissatisfied with this judgment, Mr Craig filed an application for leave to appeal the judgment of the High Court directly to the Supreme Court. He also filed an application for an interim order releasing him from detention under s 11 of the Act.

[7] On 19 March 2024, the Supreme Court dismissed both his application for leave to appeal and the application for an interim order, noting that the criteria for such an appeal were not met.[4] Specifically, the Court concluded as follows:[5]

> In this case nothing raised by Mr Craig suggests that the High Court decision may be erroneous. There is therefore no risk of a possible miscarriage of justice.

[8] The Court also noted:[6]

> Mr Craig also seeks, under s 11 of the Habeas Corpus Act 2001, an interim order for release from detention pending final determination of his application. Given his application for leave to appeal has been dismissed, this application must also be dismissed.

[9] Dissatisfied that leave was not granted to appeal directly to the Supreme Court, Mr Craig then filed a notice of appeal in the Court of Appeal along with an application for extension of time to appeal. He also made an application for an interim order to the Court of Appeal dated 3 April 2024 which resulted in a decision issued on 12 April 2024, where the Court of Appeal determined that it did not have jurisdiction to make such an order, only the High Court did, so the Deputy Registrar was correct to reject his application for filing.[7]

[10] On 28 May 2024, the Court of Appeal issued a judgment granting the application for an extension of time to appeal but dismissing the appeal.[8] Once again, the Court held that the Act specifically prohibits the Court from calling into question a conviction for an offence by a Court of competent jurisdiction. Despite Mr Craig's submissions to the contrary, the Court held the District Court was a Court of competent

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4 *Craig v Chief Executive of the Department of Corrections* [2024] NZSC 23.
5 At [8].
6 At [9].
7 *Craig v Chief Executive of the Department of Corrections* [2024] NZCA 109.
8 *Craig v Chief Executive of the Department of Corrections* [2024] NZCA 184.

jurisdiction. The Court held that Mr Craig's attempts to challenge the legitimacy of his conviction failed "by a very wide margin".[9]

[11] In respect of his concerns regarding the way the sentence of imprisonment was administered, the Court was satisfied that this part of his appeal failed because, relying on s 14(1A)(b) of the Act, a writ of habeas corpus was not the appropriate mechanism for challenging the way a lawful sentence of imprisonment was administered.[10]

[12] On 15 April 2024, while awaiting the Court of Appeal's decision, Mr Craig filed an application in the High Court for an interim order releasing him from detention, pursuant to s 11 of the Act. That section relevantly provides:

> **11 Interim orders for release from detention**
>
> (1) The High Court may make an interim order for the release from detention of the detained person pending final determination of the application, and may attach any conditions to the order that the court thinks appropriate to the circumstances.
>
> ...

[13] The Registrar rejected the application for filing on the understanding his application for habeas corpus had been finally determined.

[14] Mr Craig sought a review of the Registrar's decision on 18 April 2024. However, in a subsequent e-mail on 23 April 2024, the Registrar acknowledged that the appeal to the Court of Appeal was still active, but nevertheless the application for interim orders could not be accepted as the proceeding in the High Court was at an end. The Registrar asked whether Mr Craig still sought an application for review of the Registrar's decision dated 18 April 2024 to be referred to a Judge. He did not respond. Instead, a further interim order application was filed dated 20 June 2024. It is this application that comes before me.

[15] In the meantime, on 5 June 2024, Mr Craig filed an application for leave to appeal to the Supreme Court against the judgment of the Court of Appeal. On

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9 At [15].
10 At [16].

20 June 2024 he also filed an application in that Court for an interim order releasing him from detention.

The current application for an interim order

[16] The application for an interim order dated 20 June 2024 seeks an interim order for release pending "final determination under the Habeas Corpus Act 2001." Mr Craig attaches, and cross-references his application for an interim order made to the Supreme Court on the same date in which he relies on the "grounds and contents" of his previous interim order applications being:

(a) interim order application to the Supreme Court dated 15 March 2024;

(b) interim order application to the Court of Appeal dated 3 April 2024; and

(c) interim order application to the Christchurch High Court dated 15 April 2024.

Discussion

[17] I consider there are two reasons why this application should not be accepted for filing. First, under s 15(1) of the Act, no further application can be made by any person requiring a re-examination by the court of substantially the same questions as those considered by the court when the earlier application was refused.

[18] In this case, there is no suggestion that Mr Craig is challenging his detention in prison on grounds that he has not already ventilated. Indeed, he relies on all his prior applications to warrant interim release.

[19] This Court has already heard and determined the application for a writ of habeas corpus on 16 February 2024. This Court's decision was upheld by the Court of Appeal subsequently, and Mr Craig has already been declined leave to proceed to the Supreme Court. While this Court has not previously considered an application for an interim order, it is advanced on the same grounds as Mr Craig's substantive

application for a writ, and relies on the Court being prepared, in due course, to grant a writ of habeas corpus. That is precluded by s 15(1).

[20] That leads to the second ground. Under s 11(1) of the Act, the High Court may make an interim order "pending final determination of the application". Here, this Court has considered and finally determined the substantive application for a writ and declined it and there is no fresh and substantially different application before it.

[21] There is, therefore, no jurisdiction for this Court to consider an interim order. The time for making it has passed.

[22] I am therefore satisfied that there is no jurisdiction to consider the application and it should not be accepted for filing.

Solicitors:
Crown Solicitor, Christchurch

Copy to:
Mr Craig

Hon Nicole McKee

Minister for Courts
Associate Minister of Justice (Firearms)

12 March 2024

28 MAR 2024

Kyle James Craig
Invercargill Prison
42 Liffey Street
PO Box 827

PRN 43978234

Dear Kyle

Court cases

Thank you for your letters of 15 February 2024, regarding your concerns about your court cases. Specifically, you asked me to review your Habeas Corpus application and your proceedings in the High Court, District and Family Courts.

As a Minister, I cannot get involved in or comment on specific cases. This is because courts, judges and judicial decisions are independent from the Government and must be able to undertake their work without political interference or influence.

I encourage you to seek legal advice on what options may be available to you. If you do not have a lawyer, your case officer may be able to provide details on what free legal services are available to you.

Thank you for writing.

Yours sincerely

Hon Nicole McKee
Minister for Courts

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand +64 4 817 6821 | n.mckee@ministers.govt.nz

In The office of The Govenor General
Of New Zealand

In the Matters: CIV 2024-425-000017
SC 13/2024
CA 168/2024

Under: The Senior Courts Act 2016
The Habeas Corpus Act 2001
The Family Court Rules 2002

Between Kyle James Craig
Of Invercargill
Applicant

AND

The Crown
Respondent

(Sealed) Application to The Govenor General for Judicial Review to Regulate The Courts Business and Uphold The Judges/Courts Compliance With Court Rules

Kyle James Craig
C/o Po Box 827
Inuercargill

Written Request to The Govenor General

1. Under the Provisions and Powers given to The Govenor General under The Senior Courts Act 2016 and Court Rule legislation I Kyle James Craig of Invercargill request here in writing in the Public interest of the Only bill of rights safe-guard of individual liberty for The Govoner Generals review, oversight and intervention of Habeas Corpus Proceedings to regulate the Courts business and ensure compliance with Court Rules, jurisdictions and Regulations.

2. I claim I have sufficient grounds and merit to Apply and be granted a writ of habeas corpus but I claim this is being jealously guarded and Competent merits are being ignored within the Senior Courts of New Zealand.

3. I complain of the handling of Family Court matters in the Invercargill Family Court, which is wielding a mis placed Protection Order Application which is in non compliance with The Family Court Rules 2002 and I complain of Christchurch High Court Registrar non compliance with my 15 April 2021 interim order Application and I Appeal The Court of Appeal Judgment which didn't acknowledge my grounds and issues with a warrant, in Application to bring Appeal of that to The Supreme Court.

4. The Govenor General has appointment to regulate The Crown Courts of New Zealands business and I here rely upon the contents and my

Submissions held in the files of my Habeas Corpus Application and I trust the Governor General can access these.

5. Under Section 9 of The Habeas Corpus Act 2001 an urgency is required and so too is detainment of which I am detained but only until the 25th of June 2024 so expedious action is required.

6. The Court is breaking its own Court Rules when faced with a case of merit.

7. Governor General intervention to regulate this case is required and necessary

8. Take Notice, The truth is on my side and I here fufil my Obligation of No suprises to in public interest plead my case in hindsight through an open letter to The Respondent Crown Soverign King Charles III whom even on his birthday this year is unable to see his own Grandchildren in the US due to the jealous guarding and weaponization of The Kings Grandchildren by (a woman scorned)

9. I require immediate response to this Application please

Signed, Verified and dated at Invercargill this 29th day of May 2024
By the here in said Kyle James Craig

In The Supreme Court of New Zealand
I Te Kōti Mana nui o Aotearoa

in the Matter:

under: The Habeas Corpus Act 2001
The Bill of Rights Act 1990
The Family Court Rules 2002

Between: Kyle James Craig
of Invercargill
c/o Po Box 827, Invercargill
Appellant

AND

The Crown / King via
The Chief Executive of
The Department of Corrections
c/o 20 Aitken Street, Wellington
Respondent

Notice of Civil Appeal

dated: 5 June 2024

Kyle James Craig
Of Invercargill

Following The Matters: CIV: 2024-425-000017

And my Application to Appeal Directly to The Supreme Court in: SC 13/2024

1. I, Kyle James Craig of Invercargill, today, more appropriatley Wish to invoke my right of Appeal to The Supreme Court/Apply to Appeal to The Supreme Court, under Section 68 of The Senior Courts Act 2016, upon my valid grounds that:

Following the Matter of: CA 168/2024

2. I, The Appellant in The Court of Appeal Proceeding identified above give You Notice of My Appeal to The Supreme Court against The Court of Appeals 28 May 2024 Judgment (annexed) to dismiss my Appeal, and it's refusal to grant The Writ of Habeas Corpus in my favour, in the face of merit and valid grounds I brought in Appeal against The High Courts 16 Feburary 2024 decision at Christchurch to decline my initial Application.

3. I deem this a complex case worthy of The Supreme Court, or The Court of Public Opinion, given its merit is based on the lower Courts contravention of The Family Court Rules and subsequent District and High Court Rules pertaining to Affadavits and Applications underlaying The Order that builds the Commitment to Prison Warrant central to these proceedings and inquiry.

4. I here by rely on All contents of my Written Applications and submissions in all 3 cases identified above and to be read alongside this Application / Notice of Appeal.

The Grounds of My Appeal

5. I Appeal The Court of Appeals Judgment and Interpretation at paragraph 4 of The 28 May delivery as my grounds were not broad, they were rescinded in Application and focused Not on my conviction (at all/per-se) but were focused on invalidating The Order Pertaining to The Warrant in question and I Appeal The Court of Appeal not even visiting or addressing my grounds resulting in the Family Court Rule 168 outcome apprehended by me on the 10th of Feburary 2024 deeming that the Order pertaining to The Warrant must not be read or used by a Court in a proceeding, here namely The District Court on the 19th of Janurary.

6. I Appeal The Judgment at 4,a Where it is mis laid that I Appeal saying my term of imprisonment lacks merit because I have Autism

6a. This is Not the case or a claim by me, Nor was this brought by me for inquiry by The Court of Appeal.

6b. I Appeal The Court of Appeals mention of this ground which I didn't apply for and I Now in Appeal to The Supreme Court Wish to remind The Court that my question to The Crown Was, and I ask:

6c. What is the point of Prison and What is it meant to achieve? particulay for those with Autism.

7. I also Appeal The Court of Appeals Judgment interpretation of my ground at 4,b Where it is clear in my Application and submissions

in CA 168/2024 that I had rescinded my managerial grounds and that The Court of Appeal Was to enquire as to the validility of The (Protection) Order pertaining to The Warrant in question

7,a. Where it is My Appeal to The Supreme Court the 28 May Judgment excluded this evidence /graund of Appeal, in its entirety.

8. I Appeal to The Supreme Court that the Writ of Habeas Corpus must issue In my favour because of the invalidity of the Underlying Order building the face of the thus invalidated Warrant of commitment and I argue that my grounds of Appeal to The Court of Appeal were brought correctly but completley ignored.

9. I Appeal that in a display of deference and offence to the urgency required under section 9 & 17 Of The Habeas Corpus Act the Court of Appeal ignored and/or misconstrued my grounds and points in submission and I Appeal The Court's Complete disregard of the fact that The High Court Judge in fact held the Protection Order in his hand which houses the erronus evidence in my favour and thus ignored my Appeal graund Of The High courts Judgment that it could not enquire into matters upstream of The Warrant When I can prove here that a Supreme Court examination of my Application and submissions in The Court of Appeal files Will reveal I was correct and that here, The Court must issue.

10. I Appeal The Court of Appeals decision to

deny me presence in my day in court and instead chose to not only misread my points but also chose to completley disregard others.

11. At paragraph 5 of The Court of Appeal Judgment I Appeal The Courts focus on my conviction and I in The Supreme Court point to the fact my submission was in fact Not that my conviction is in question, What is in question and issued for determination is the Usage of the incorrectly laid Protection Order used to build The Warrant central to these proceedings.

11a, I call upon my submissions to The Supreme Court Application for Leave held in SC 13/2021 paragraph 20 for emphasis and reference here.

12. I rely on the case Law cited in my Court of Appeal submissions in this Appeal to The Supreme Court as I Appeal The Logic once held by The Court of Appeal was in a bias and legal disadvantage to me Not applied in my case. I Appeal this exclusion of case Law in contrast to my affadavit Rule submissions.

13. At paragraph 10 of The 28 May Court of Appeal Judgment I Appeal the Courts isolated focus on a larger part of my point of Appeal upon which a Court of competent Jurisdiction such as The District Court could act in the face of an apprehended contravention of court rules comprimising the validility and thus usage in Court of a particular document.

14. I Appeal paragraphs 12 and 13 of The Court of

21. I, Kyle James Craig file this To The Registrar of The Supreme Court to hear and determine the decisions of The High Court and The Court of Appeals refusal to Justify and issue the Writ of Habeas Corpus in my favour.

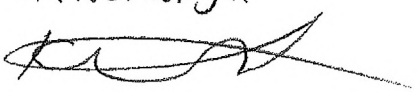
22, for the convenience of The Supreme Court time-tabling I rely on the contents of all my prior written submissions and applicatrons.

The Judgment I seek from The Supreme Court

23. I seek justification of the use of imprisonment in line with the habeas corpus Act and a statement from The Crown of its precieved Point of Prisons and what Prisons are meant to achieve

24. I seek the (June 2024) issue of The Writ of Habeas Corpus, in line with a Supreme Court enquiry into The Order pertaining to The Warrant in question which in fact is erronus under Family Court Rule 168 and The High Court Affadavit Rules

Verified, Signed and dated at Invercargill
this 5th day of June 2024
By The Appellant/Applicant the said: Kyle James Craig
of Invercargill



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

NOTICE OF FILING OF APPLICATION FOR LEAVE TO APPEAL AGAINST DECISION IN CIVIL PROCEEDINGS

SC 57/2024
CA168/2024
CIV-2024-425-000017

Kyle James Craig v Chief Executive of the Department of Corrections

On Wednesday 5 June 2024, Kyle James Craig filed an application for leave to appeal against the judgment of the Court of Appeal delivered on Tuesday 28 May 2024 – [2024] NZCA 184.

Jack Edwards
Deputy Registrar
Supreme Court of New Zealand

Copies to:
Applicant
Respondent
Court of Appeal Registrar
Court of Appeal Judges - Collins, Churchman and Osborne JJ
High Court Registrar at Christchurch
High Court Judge - Radich J
Custody Manager – Invercargill Prison

In The Supreme Court of New Zealand
I Te Kōti Mana Nui o Aotearoa

In The Matters: SC 13 and 57/2024

Under: The Habeas Corpus Act 2001
Contempt of Court Act 2019

Between: Kyle James Craig
of Inverrargill
Appellant/Applicant

AND

King Charles III via
Crown Department of
Corrections
Respondent /(defendant)

(Applicant) Written Submissions
And Application

dated: 19th June 2024

Kyle James Craig
of Invercargill

I Seek from The Supreme Court

8. Prompt hearing to consider

8a. My Interim Order Application
8b. My Contempt of Court Inquiry and reprimand

9. Discretion by The Supreme Court to consolodate All submissions following my High Court Application pending final determination and a stay of these proceedings to progress post my end date release from detention 25 June 2024

10. The prompt consideration of all Applications by me

11. A justification Statement or summary from The Crown as to its modern reasoning of the point of prison

12. The issue of the Writ of habeas Corpus

13 Regulation of Court Rule compliance over seen by The Governor General or Attorney General if/as it seems, (is) required

Signed and dated this 19th day of June 2024
By The Said: Kyle James Craig

4/4

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 57/2024
[2024] NZSC 97

BETWEEN	KYLE JAMES CRAIG Applicant
AND	CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONS Respondent

Court: Glazebrook, Ellen France and Kós JJ

Counsel: Applicant in person
W S Taffs for Respondent

Judgment: 13 August 2024

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

Introduction

[1] On 19 January 2024, Mr Craig was sentenced in the Invercargill District Court to 16 months imprisonment for three breaches of a protection order, imprisonment of one month for possession of cannabis and imprisonment of one month for failing to assist with a computer search by providing a PIN code. All sentences were imposed concurrently and after guilty pleas.

[2] On 14 February 2024, Mr Craig filed an application for a writ of habeas corpus. On 16 February 2024 his application was dismissed by the High Court.[1] Mr Craig's

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[1] *Craig v Chief Executive of the Department of Corrections* [2024] NZHC 202 (Radich J) [HC judgment].

appeal against that decision was dismissed by the Court of Appeal on 28 May 2024.[2] He now seeks leave to appeal to this Court against the Court of Appeal's decision.[3]

The decisions below

[3] Mr Craig's arguments in respect of his application to the High Court included challenges to the underlying basis for the charges related to the protection order breach and to the underlying documents in the Family Court related to the imposition of the protection orders. He maintained that there was no point in prison, particularly in cases where a prisoner has autism. He was also concerned that he was required to share a cell with another inmate. He submitted that this hindered his preparation for a Family Court case he was involved in.[4]

[4] The High Court accepted that Mr Craig was detained, and that the onus therefore passed to the respondent to establish the lawfulness of the detention. The warrant of commitment for the sentence of imprisonment was in evidence and the High Court held that the statutory basis for it, and the warrant itself, were in order.[5] This provided a complete answer to the application: under s 14(2)(a) of the Habeas Corpus Act 2001 a Judge is not entitled to call into question a conviction by a court of competent jurisdiction.[6] The High Court also explained that it was not for the Court to examine conditions of detention when considering an application for habeas corpus.[7] Nor were there any grounds to consider: the basis on which the protection orders were made, their validity, the basis of the convictions for breach of the orders, or the sentencing decision that followed.[8]

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2 *Craig v Chief Executive of the Department of Corrections* [2024] NZCA 184 (Collins, Churchman and Osborne JJ) [CA judgment].

3 Mr Craig has previously been refused leave to appeal to this Court directly from the High Court's decision: *Craig v Chief Executive of the Department of Corrections* [2024] NZSC 23.

4 HC judgment, above n 1, at [8].

5 At [14].

6 At [15].

7 At [18].

8 At [19].

[5] In the Court of Appeal, Mr Craig's arguments were summarised as falling into the following two broad grounds:[9]

(a) He challenges the legitimacy of the convictions for which he has been imprisoned. He also says that a term of imprisonment lacks merit in his case because he has autism.

(b) He is also concerned that he is required to share his cell with another inmate. He says this arrangement hinders his ability to prepare for a Family Court case with which he is involved.

[6] The Court of Appeal held that Mr Craig's attempts to challenge the legitimacy of his conviction failed by a very wide margin.[10] The Court said that it was beyond dispute that there was a protection order in place, that Mr Craig breached that order on three occasions and that he pleaded guilty to the charges.[11] In addition, his autism was specifically considered by the sentencing Judge.[12] The Court pointed to s 14(2) of the Habeas Corpus Act and rejected Mr Craig's contention that the District Court is not a court of competent jurisdiction.[13] The Court also said that a writ of habeas corpus is not the appropriate mechanism for challenging the way a lawful sentence of imprisonment is administered.[14]

Submissions

[7] Mr Craig adopts the submissions he made in the Courts below.[15]

[8] The respondent opposes the application for leave to appeal on the basis that Mr Craig is no longer detained for the purposes of the Habeas Corpus Act. He was released from custody on 25 June 2024, having served half of his sentence. He is subject to both standard and special release conditions until their expiry on 22 August 2024, including a requirement to attend and complete appropriate alcohol and drug counselling. The respondent submits that release conditions are not sufficient to establish detention for the purposes of the Habeas Corpus Act and the special

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9 CA judgment, above n 2, at [4].
10 At [15].
11 At [13].
12 At [14].
13 At [10].
14 At [16].
15 Mr Craig also filed further reply submissions without leave. These submissions would, however, have made no difference to the result.

conditions impose no further material impairment to Mr Craig's liberty than the standard conditions automatically imposed on a prisoner's release.

[9] It is also submitted by the respondent that Mr Craig is subject to those release conditions because he was sentenced by the District Court (a Court of competent jurisdiction). The validity of a conviction cannot be challenged in habeas corpus proceedings. The same applies conditions of detention and, in any event, Mr Craig is no longer subject to those conditions, having been released from prison.

Our assessment

[10] None of the grounds Mr Craig seeks to argue raises any issue of general or public importance.[16] Nor does anything raised by Mr Craig suggest that the decisions below may have been in error. There is therefore no risk of a miscarriage of justice.[17] In addition, as pointed out by the respondent, Mr Craig is no longer detained. This means that a writ of habeas corpus could not in any event be issued.

Result

[11] The application for leave to appeal is dismissed.[18]

Solicitors:
Raymond Donnelly & Co, Crown Solicitor's Office, Christchurch for Respondent

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16 Senior Courts Act 2016, s 74(2)(a).
17 At s 74(2)(b).
18 Mr Craig also applied for a number of interim and other orders. Dismissing the application for leave means that these applications are necessarily also dismissed.